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THE
LAW OF PATENTS
DESIGNS & TRADE MARKS

BY
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LONDON:
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THE LAW
OF
PATENTS, DESIGNS
AND
TRADE MARKS,

AS CONTAINED IN THE
ACT 46 & 47 VIC. CAP. 57,
TO AMEND AND CONSOLIDATE THE LAW
RELATING TO
PATENTS FOR INVENTIONS, REGISTRATION OF
DESIGNS AND OF TRADE MARKS,
WITH
NOTES AND OBSERVATIONS.
AND
OFFICIAL NOTICE BY BOARD OF TRADE AS TO APPLICATIONS
FOR PATENTS UNDER THE ACT.

BY
JAMES J. ASTON, Esq., Q.C.,
OF THE MIDDLE TEMPLE.

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PREFACE.

THE " Patents, Designs and Trade Marks Act, 1883," has made many changes in the law of great importance, and most of the alterations in the Patent Law will probably be found to be beneficial to inventors, though a great deal will depend upon the spirit in which the Act is carried into effect.

The reduction of the Government fees to £4 for the first four years of the Patent, instead of £25 for the first three years, will be of great advantage to Inventors. I regret, however, that the fees required to keep the Patent in force after the fourth year have not been very much reduced, or abolished altogether, or perhaps rather altered to a special income tax on the profits made from the successful Inventions.

JAMES J. ASTON.

4, MIDDLE TEMPLE LANE,
October, 1883.

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INTRODUCTORY CHAPTER.

THE Act 46 & 47 Vic. c. 57, intituled "An ^{46 & 47 Vic.}
Act to Amend and Consolidate the Law ^{c. 57.}
relating to Patents for Inventions, Registra-
tion of Designs and of Trade Marks," and the
short title for which Act is "The Patents, ^{Short title.}
Designs and Trade Marks Act, 1883," makes
many alterations in the Patent Law, and will
raise some questions worthy of consideration
by inventors.

It is proposed to deal here with some two
or three of the principal alterations and ques-
tions, leaving the rest of the Editor's observa-
tions for the notes, which will be found between
the sections of the Act.

And first, it is perhaps desirable to observe
that inventors will not, it is believed, find it
easier to prepare their own papers, but, on the
contrary, the alterations made by the Act will
probably be found to render it more than ever
necessary that the inventor should be advised
by a skilful patent agent as to the title of his
patent and the form of his provisional or com-
plete specification, or of both where he files
both.

Inventors
should not pre-
pare their own
specifications.

May send
papers by post.

The Act, s. 5, contains a useful proviso as to sending the papers by post to the Patent Office.

Advised not to
have provi-
sional speci-
fications.

The first thing an inventor will have to consider under the Act will be whether he will prepare a provisional specification or not ; and so far as the Editor can master the effect of the Act, he thinks it will be found that it will be in nearly every case very undesirable and of no practical utility, but rather a source of danger, to file a provisional specification at all. Provisional specifications were introduced by the Patent Act of 1852, now repealed, under the idea that a poor man might, at a cost of £5, get a provisional protection for six months, and which was understood at the time to give him a right to exhibit his invention without danger to a subsequent patent, and also, if the provisional protection was followed up by a subsequent patent, a right to sue all infringers of his invention after the date of his patent, which nearly always corresponded with the date of his provisional protection.

Old practice
as to
provisional
specification.

Under the old Acts there was no comparison of the provisional specification with the complete specification by any officer in the Patent Office, and when compared in Court it was very seldom that a patent could be defeated because the complete specification did not agree with the provisional specification.

Under the new Act the only beneficial New practice. effect of a provisional protection will be that, under s. 14, where an application for a patent in respect of an invention has been accepted with a provisional specification, the invention may, during the period between the date of the application and the date of sealing such patent, be used and published without prejudice to the patent to be afterwards granted for the same; but inasmuch as the patentee will have no right to sue for any infringement of his patent committed before his complete specification has been accepted by the office and published (ss. 10 & 13)—and this publication may not take place for many months after the provisional specification is left at the office—it would seem to be dangerous to show any provisional specification, as it might induce persons to infringe it, whilst they could do so without being liable for the infringement; and it is improbable that any person would, under the new Act, buy any patent right under the Act until the complete specification has been accepted and published by the Patent Office; and again, when a complete specification is left after a provisional specification, both specifications will be referred to an examiner for the purpose of ascertaining whether the complete specification has been prepared in the prescribed manner, and whether

No right to sue for infringement until publication of complete specification.

the invention particularly described in the complete specification is substantially the same as that which is described in the provisional specification, and as the examiner to whom the two specifications will be referred may, and probably will be, a different examiner to the one to whom the provisional specification was referred, the double examination would seem to increase the chances of some serious objection being taken to the complete specification.

Complete
specification.

The preparation of the complete specification will require more consideration than hitherto: under the old Acts, a complete specification was good without any specific claim as to the invention the patentee wished to secure, and although most modern complete specifications concluded with a claim, it very often was little if anything more than a statement that the inventor claimed the invention thereinbefore substantially described, without saying definitely or distinctly in the claim in what the invention consisted.

Under the new Act (s. 5, sub-sec. 5) the complete specification must end with a distinct statement of the invention claimed, and this provision of the Act would hardly seem to be met by a statement of a claim for the invention "substantially as described."

Reference to
examiner.

Every application for a patent, whether

accompanied by a provisional or a complete specification, will be referred, under s. 6, by the comptroller of the Patent Office to an examiner, who will ascertain and report to the comptroller whether the nature of the invention has been fairly described, and the application, specification and drawings, if any, have been prepared in the prescribed manner, and whether the title sufficiently indicates the subject-matter of the invention.

If the examiner reports that the nature of the invention is not fairly described, or that the application, specification and drawings, has not, or have not been prepared in the prescribed manner, or that the title does not sufficiently indicate the subject-matter of the invention, the comptroller may, under s. 7 (1), require that the application, specification or drawings may be amended before he proceeds with the application.

The applicant may appeal from the decision of the comptroller to the law officer, who, if required, must hear the applicant and the comptroller, and may make an order determining whether and subject to what conditions, if any, the application shall be accepted (s. 7, sub-secs. 2 and 3).

Where a complete specification is left after a provisional specification, the comptroller will refer both specifications to an examiner, for

Comparison of
complete and
provisional
specifications.

the purpose of ascertaining whether the complete specification has been prepared in the prescribed manner, and whether the invention particularly described in the complete specification is substantially the same as that which is described in the provisional specification (s. 9, sub-sec. 1).

If the examiner reports that the conditions in the Act before contained (*see* s. 5) have not been complied with, the comptroller may refuse to accept the complete specification, unless and until the same shall have been amended to his satisfaction, but any such refusal is subject to an appeal to the law officer, and the law officer will, if required, hear both applicant and the comptroller, and may make an order determining whether and subject to what conditions (if any) the complete specifications shall be accepted (s. 9, sub-secs. 2 and 3).

Acceptance of complete specification to be advertised.

On the acceptance of the complete specification, the comptroller will advertise the acceptance; and the application and specification or specifications, with the drawings, if any, will then be open to public inspection (s. 10).

Opposition to grant of patent.

Any person may, at any time within two months from the date of the advertisement of the acceptance of a complete specification, give notice at the Patent Office of opposition to the grant of the patent, on the ground of the

applicant having obtained the invention from him, or from a person of whom he is the legal personal representative, or on the ground that the invention has been patented in this country, on an application of prior date, or on the ground of an examiner having reported to the comptroller that the specification appears to him to comprise the same invention as is comprised in a specification having the same or a similar title, and accompanying a previous application, but on no other ground (s. 11, sub-sec. 1).

When such notice or notices are given, the comptroller will give notice of the opposition or oppositions to the applicant, and will on the expiration of the two months allowed under the last-mentioned sub-section, after hearing the applicant and the person or persons who have given notice of opposition, if desirous of being heard, decide on the case, but subject to appeal to the law officer (s. 11, sub-sec. 2).

The law officer will, if required, hear the applicant and any person or persons who have given notice of opposition, and being, in the opinion of the law officer, entitled to be heard in opposition to the grant; and the law officer will determine whether the grant ought or ought not to be made; and the law officer may, if he thinks fit, obtain the assistance of an expert, who will be paid such remuneration as

the law officer, with the consent of the Treasury, shall appoint (s. 11, sub-secs. 3 and 4).

The above provisions, as to the complete specification, have been gone through thus carefully for the reason that an important question will no doubt arise as to their effect after they have been completed. What do they lead up to and what is to be gained by them by the inventor or the public? Do they alter the conditions on which a patent is to be granted, as to the complete specification required under the old Acts, so that the inventor's complete specification having passed through the above ordeal satisfactorily, he may be said to have "by and in his complete specification particularly described the nature of his invention," and may be relieved from the express condition always contained under the previous Acts in the patent, that the patent shall be void if the complete specification to be filed under the patent, or already filed before the patent is granted, "does not particularly describe and ascertain the nature of the invention, and in what manner the same is to be performed?"

A series of new operations as to the complete specification having been gone through under the new Act, is not the best exponent of the result of these operations to be found in the form of the patent giving effect to the

result of the operations, and stating that the inventor has "by and in his complete specification particularly described the nature of his invention," *and omitting altogether the old express condition* that the patent should be void if the complete specification did not particularly describe the invention, &c.

And secondly, if the operations to be gone through are considered, do they not point to the same result? A complete specification under the old Acts was filed in any form the inventor chose to frame it.

And in the new Act many alterations are made, and provision is made that the complete specification must particularly describe and ascertain the nature of the invention, and in what manner the same is to be performed, and must be accompanied by drawings, if required, and must end with a distinct statement of the invention claimed; and whether these requirements have or have not been fulfilled has to be decided upon by an examiner and the controller, and the law officer on appeal, and the complete specification may possibly go before the law officer again, with the assistance of an expert, on a further appeal by one of the public after publication; and though the insufficiency of the specification is not a ground on which the public can oppose the grant, yet it is very possible that it may come

into consideration and discussion, and lead to an amendment of the specification on an opposition, on the ground that the invention has been patented in this country on an application of prior date; and unless the specification does particularly describe the invention, it is difficult to see how the question of whether it is or is not anticipated by another specification can be satisfactorily decided.

Thirdly—There does not seem to be any practical difficulty in holding that the true construction of the Act is to the effect that the sufficiency of the specification is to be taken as decided by the result of the operations gone through, as the patentee could only sue for a breach of the invention disclosed and described in his complete specification, anything kept back and not disclosed and described would not be protected by his patent.

Section 26, sub-sec. 3, ought perhaps to be noticed, but when properly construed it would seem to have no real bearing upon the above question, as it must, it is submitted, be read as if it were written *subject to the alterations made by the Act*.

Section 26, sub-sec. 3, is as follows:—
“Every ground on which a patent might at the commencement of this Act be repealed by *scire facias* shall be available by way of defence to

an action of infringement, and shall also be a ground of revocation.”

Now, supposing the nonfulfilment of the old express condition to be a ground upon which a patent could have been repealed, so equally would the other old conditions—say as to the payment of fees—have been ground for a similar application to repeal; these conditions are altered by the Act, and to construe this section as if it said any defence existing *before* the Act shall be a good defence *after* the Act, would be to make the Act of no effect. It is therefore submitted that the last-mentioned clause must be read as suggested, subject to the alterations made by the Act, and that it leaves it an open question whether the Act has not, as suggested, altered the old *express condition* in the patent as to the sufficiency of the complete specification.

It ought perhaps to be observed, that although patents are to be granted for 14 years, practically speaking they will not in many cases give the inventor so long a time as 14 years to reap the fruits of his discovery. His complete specification need only be filed within nine months from the date of his application (s. 8), and it will probably take at least another month, and it may take much longer, before it is accepted (*see* s. 9, sub-sec. 4); and as before-mentioned, until it is accepted

and the acceptance advertised, the inventor has no remedy for any infringements (*see* ss. 10 & 13), nor can he institute any proceedings for any infringement until his patent has been granted to him (*see* s. 15).

Designs.

What is a design.

With respect to designs, any *new and original* design, not previously published in the United Kingdom, applicable to any article of manufacture, or to any substance artificial or natural, or partly artificial and partly natural, whether the design is applicable for the pattern, or the shape or configuration, or the ornament thereof, or for any two or more of such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or any other means whatever, manual, mechanical or chemical, separate or combined (not being a design for a sculpture, or other thing within the protection of the Sculpture Copyright Act of the year 1814, 54 Geo. III. c. 56), may, on application to the comptroller, be registered as a copyright design under this Act (s. 47 and 60).

Applications must be in proper form and signed.

The application to register must be made in the forms given in the first schedule to the Act, or such other form as may be from time to time prescribed.

Specimens or

The application must contain a statement

of the nature of the design and the class or classes of goods for which registration is desired, and must be lodged at the office, together with copies of the drawings, photographs, or tracings of the design, sufficient, in the opinion of the comptroller, to enable him to identify the design; or, instead of copies, exact representations or specimens of the design; but the comptroller has power to refuse any drawings, representations or specimens which, in his opinion, are not suitable for the official records, and it should be borne in mind that, if exact representations or specimens of the design are not deposited at the time of making the application, it will be necessary to lodge such exact specimens before delivery or sale of any article to which a registered design has been applied. Each such article must be marked with the prescribed mark, words, or figures denoting that the design is registered, before being sold, otherwise the copyright will cease, unless the proprietor can show that he took proper steps to ensure the marking of the article. (*See ss. 50 & 51.*)

copies of design to be lodged with application.

Every article to which a registered design is applied to bear the registration mark.

The same design can, if accepted, be registered in any number of classes; and in case an applicant be doubtful as to the class in which a design should be registered, the comptroller may decide the question (s. 47, sub-sec. 4 and 5). The comptroller is empowered, if he thinks fit, to refuse the registration of a design, but

Design may be registered in more than one class.

Comptroller may refuse registration.

the party aggrieved by such refusal may appeal from his decision to the Board of Trade, who, if required, will determine whether registration is to be permitted (s. 47, sub-sec. 6 and 7).

Cesser of
design if not
used.

If a registered design is used in manufacture in any foreign country, and is not used in this country within six months of its registration in this country, the copyright will cease (s. 54).

Certificate of
registration.

When a design is registered, the comptroller will grant a certificate to that effect ; and when expedient, he has power to grant a copy or copies of such certificate (s. 49).

Copyright to
last for five
years.

Subject to the provisions of the Act, the copyright will last for five years (s. 50), at the expiration of which time, or before, if the copyright shall have ceased, the design will be open to the inspection of the public, and copies of such design can then be taken by any person on payment of the prescribed fee ; but during the existence of the copyright, the design can only be seen by the proprietor, or some person authorised in writing by him, or by a person authorised by the comptroller or the Court, and then only upon furnishing such information as will enable the comptroller to identify the design, and the inspection must be made in the presence of the comptroller, or an officer acting under him, and the person making the in-

Inspection
of design.

spection will not be entitled to copy the design or any part thereof (s. 52).

Under s. 53, on the request of any person producing a particular design, together with its mark of registration, or furnishing such information as will enable the comptroller to identify the design, on payment of the prescribed fee, will be informed whether the registration still exists in respect of such design, and of the class or classes of goods, the date of registration, and the name and address of the registered proprietor.

Information
as to existence
of copyright.

A register of designs will be kept at the Patent Office, and will contain the names and addresses of proprietors of registered designs, notifications of assignments of registered designs, and such other matters as may from time to time be prescribed. (*See* s. 55.) These registers will be open for the inspection of the public (s. 88), but no entry of any trust will be made in any register kept under the Act (s. 85).

Register of
proprietors
of designs.

The exhibition at an Industrial or International Exhibition, certified as such by the Board of Trade, or the exhibition elsewhere, during the holding of the Exhibition, without the privity or consent of the proprietor of a design, or of any article to which a design is applied, or the publication during the holding of any such exhibition of a description of a design, will not prevent or invalidate

When exhibi-
tion of design
will not
invalidate
registration.

the registration of the design, provided that, before exhibiting the design or article, or publishing a description of the design, the exhibitor gives the comptroller the prescribed notice of his intention to do so, and the application for registration is made within six months from the date of the opening of the Exhibition (s. 57).

Penalty on
piracy of
registered
design.

When a piracy or fraudulent imitation of a design has been committed, the proprietor of the design can recover, as a simple contract debt, a sum not exceeding £50 from the party offending, or he may bring an action for damages should he choose to do so (ss. 58 and 59).

Trade
Marks.
Alterations
in practice.

The practice relating to trade marks having been placed upon a very fair footing by the previous trade mark Acts now repealed, the alterations made by the present Act are very few, but still are somewhat important, owing to the increased facilities which they give to applicants for registration.

Application
for regis-
tration.

Should the comptroller refuse an application to register a mark, the party applying can now appeal against such decision to the Board of Trade, who may, should it seem expedient, refer the appeal to the High Court of Justice (s. 62, sub-secs. 4 and 5), and (s. 64) after giving a list of the particulars of which a mark must

consist, by sub-sec. (c), states that a distinctive device, mark, brand, heading, label, ticket or *fancy word* or *words not in common use*, may be registered as a trade mark. This is of wider scope than previous Acts, and will probably invite a large increase in applications, although it will probably lend considerable aid to litigation in this respect, owing to the elasticity of the clause. The foregoing remarks apply to new marks, viz., those not in existence prior to August 13th, 1875; old marks, viz., marks used before August 13th, 1875, can be registered in almost whatever form they may be. New proprietors of old marks should be careful to state in their application how the mark came into their possession, such as by "successors in business, &c.," or by "purchasing the good-will, &c." The Act does not require an application to register an old mark to be supported by a statutory declaration.

Fancy word
may be
registered.

Another new feature is, that when the registration of a mark is not completed within twelve months from the date of application, through default on the part of the applicant, it will then be considered to be abandoned, and any further proceedings should be commenced by a fresh application (s. 63). A registered proprietor under the new Act can use his mark in any colour, notwithstanding it may be registered in a particular colour (s. 67).

Registration
of mark to
be completed
within twelve
months.

Application
must be
signed.

The application to register a trade mark should be in the form set forth in the first schedule to the Act, and must be signed by the proprietor or some person on his behalf. The application should then be left at or sent by post to the Patent Office, accompanied with two copies of the mark on foolscap paper, if registration is required in one class of goods only; but should it be desired to register the mark in more than one class, then one additional copy of the mark must be sent for each extra class in which registration is required. Before applying to register a new mark, it is always advisable to search the register in order to see if there is a similar mark already registered. This will frequently save expense, for when once a fee is accepted by the comptroller, it cannot be returned or used for any other purpose.

Separate
applications to
be made for
registration of
different
marks.

If a person wishes to register more than one mark in the same or different classes of goods, it will be necessary to make separate applications for each mark; but under s. 66, a person claiming to be the proprietor of several trade marks which, while resembling each other in the material particulars thereof, yet differ in respect of the goods for which they are respectively used or proposed to be used, or numbers, or prices, or quality, or names of places, can register such trade marks as a

series in one registration, and such series can only be assigned or transmitted *as a whole*; but for all other purposes, each of the marks composing a series will be deemed and treated as registered separately; and under s. 70 a trade mark, when registered, can only be assigned in connection with the good-will of the business concerned in the particular goods or classes of goods for which it has been registered, and such trade marks will be determinable with such good-will. When more than one mark is registered in the same class, or the same mark is registered in various classes, a considerable reduction is made in the fees.

Reduction
of fees.

When a mark is accepted by the comptroller, it will be necessary for the applicant to forward a wood-block, or an electrotype of the mark, for the purpose of advertising the same in the journal provided for that purpose; and when the prescribed time has elapsed, supposing there has been no notice of opposition lodged, and after paying the registration fee, a notification of the registration will then be issued; this document, however, will be of no avail as evidence, a certificate signed by the comptroller being required for that purpose (s. 96).

Advertising
the mark
before
registration.

When more than one person separately claims to register the same mark at the same time, and for the same class of goods, the comp-

Comptroller
may refuse
registration.

troller may refuse to register any of them until their rights have been determined according to law, and he will not register in the same class a mark identical or similar with one already registered in that class. (*See* ss. 71 and 72.)

Marks used by more than three persons to be common to the trade.

Any mark publicly used previous to August 13th, 1875, by more than three persons in the same or similar description of goods, will be considered common to the trade in such goods (s. 74, sub-sec. 3).

Opposition to registration.

In the event of a mark being opposed, the person opposing must, within two months of the first advertisement of the application, give notice in duplicate at the Patent Office of opposition to the mark, one copy of which notice will be sent to the applicant. Within two months after such notice has been given, the applicant should send a counter-statement, in duplicate, of the grounds upon which he relies for his application, and if he does not do so, his application will be considered abandoned; should the applicant send such counter-statement, one copy will be forwarded to the person who gave notice of opposition, who will then be required to give security, as the comptroller may think necessary, for such costs as may be awarded; and if after fourteen days from the date of being required so to do the security is not given, the opposition will be considered to be withdrawn, but should such

security be given, the comptroller will inform the applicant of the fact in writing, and thereupon the case will be deemed to stand for the determination of the High Court of Justice (s. 69).

No proceeding can be taken to recover damages for infringement, &c., unless the mark is registered, or, in the case of an old mark in use before August 13th, 1875, registration has been refused. The comptroller will, on request, grant a certificate of the refusal of the application to register a mark (s. 77).

Mark must be registered to recover damages for infringement.

The registration of a mark is *prima facie* evidence of the right of the registered proprietor, and after the expiration of five years from the date of registration is conclusive evidence of such right, subject to the provisions of the Act (s. 76).

Right of first proprietor.

Within three months, and not less than two months before the expiration of fourteen years from the date of registration, the comptroller is required to send a notice to the proprietor, stating that if the proper fees are not paid within the fourteen years the mark will be removed from the register; a second notice to the same effect is required to be given, and if the fees are not paid within three months from the expiration of the fourteen years, the mark will then be removed from the register; but after such removal, the comptroller has power

Removal of Trade Mark after 14 years, unless fee paid.

to restore any mark, should he think fit to do so, upon the required fees being paid. In the event of a mark, being removed from the register at the end of fourteen years, the comptroller will, nevertheless, for the purpose of any application for registration during the five years next after the date of such removal, deem such mark to be a trade mark which is already registered (s. 79).

Doubt whether fees to be paid every 14 years.

It was probably intended that the fees under the last-mentioned section should be payable every 14 years, but it may well be doubted whether the words in s. 79, sub.-sec. 2, give effect to such intention.

Assignments, &c., to be registered.

All assignments of trade marks should be registered, and any other matters which may be considered necessary, but no entry of any trust will be allowed. (*See* ss. 78 and 85.)

Power to alter the register.

The comptroller has power to cancel an entry on the register, or part of an entry, upon request in writing, but such request must be accompanied by a statutory declaration, or the proprietor may apply to the High Court of Justice to rectify the register, but notice must first be given to the comptroller of such intended application. (*See* ss. 90, 91 and 92.)

Office copies.

Office copies, under seal, of any document filed at the Patent Office, will be accepted as evidence (s. 89).

Any person knowingly making, or causing to be made, a false entry, will be guilty of a misdemeanour, and any person falsely representing an article to be "patented" or "registered," will be liable to a fine not exceeding £5 (ss. 93 and 105).

Falsification of registers.

When the comptroller is empowered to act according to his discretion, he is not to use such power adversely to the applicant without giving him the opportunity of being heard, either personally or by his agent (s. 94).

Comptroller to hear applicant or agent personally.

The comptroller may, in any case of doubt or difficulty arising in the administration of any of the provisions of the Act, apply to either of the law officers for directions in the matter (s. 95); but of course this power should not be exercised in any case in which the matter may have to go before the law officers in appeal from the comptroller.

The "Commissioners of Patents' Journal," of the 23rd October, 1883, contained an official notice from the Board of Trade as to applications for patents under the Act. A copy of this notice will be found at the end of the Act.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

[46 & 47 VIC. c. 57.]

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PATENTS, DESIGNS AND TRADE
MARKS ACT, 1883.

[46 & 47 VIC.]

CHAPTER 57.

*An Act to amend and consolidate the Law
relating to Patents for Inventions, Regis-
tration of Designs and of Trade Marks.*

25TH AUGUST, 1883.

BE it enacted by the Queen's most Excellent
Majesty, by and with the advice and con-
sent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled,
and by the authority of the same, as follows :

PART I.

Part I.
Prelimi-
nary.

PRELIMINARY.

1. This Act may be cited as the "Patents, Designs and Trade Marks Act, 1883."

Short title.

Part I.
Preliminary.
Division of
Act into parts.

2. This Act is divided into parts, as follows:—

Part I.—Preliminary.

Part II.—Patents.

Part III.—Designs.

Part IV.—Trade Marks.

Part V.—General.

Commence-
ment of Act.

3. This Act, except where it is otherwise expressed, shall commence from and immediately after the Thirty-first day of December, One thousand eight hundred and eighty-three.

Part II.
Patents.

PART II.

PATENTS.

Application for and Grant of Patent.

Persons
entitled to
apply for
patent.

4. (1.) Any person, whether a British subject or not, may make an application¹ for a patent.

(2.) Two or more persons may make a joint application for a patent, and a patent may be granted to them jointly.²

Application
and specifica-
tion.

5. (1.) An application for a patent must

¹ See form in the first schedule to the Act.

² Only one or more of such persons need be the true and first inventor or inventors. (*See s. 5, sub-sec. 2.*)

be made in the form set forth in the first schedule to this Act, or in such other form as may be from time to time prescribed; and must be left at, or sent by post to, the Patent Office, in the prescribed manner.

(2.) An application must contain a declaration to the effect that the applicant is in possession of an invention, whereof he, or in the case of a joint application, one or more of the applicants, claims or claim to be the true and first inventor or inventors, and for which he or they desires or desire to obtain a patent; and must be accompanied by either a provisional or complete specification.¹

(3.) A provisional specification must describe the nature of the invention, and be accompanied by drawings, if required.

(4.) A complete specification, whether left on application or subsequently, must particularly describe and ascertain the nature of the invention, and in what manner it is to be performed, and must be accompanied by drawings, if required.

(5.) A specification, whether provisional or complete, must commence with the title, and in the case of a complete specification must

¹ See Forms "B" and "C" in the first schedule to this Act. And see also observations in the Introductory Chapter, as to provisional and complete specifications.

**Part II.
Patents.**
—

Reference of
application to
examiner.

end with a distinct statement of the invention claimed.¹

6. The comptroller shall refer every application to an examiner,² who shall ascertain and report to the comptroller² whether the nature of the invention has been fairly described, and the application, specification and drawings (if any) have been prepared in the prescribed manner, and the title sufficiently indicates the subject-matter of the invention.

Power for
comptroller
to refuse ap-
plication or
require
amendment.

7. (1.) If the examiner reports that the nature of the invention is not fairly described, or that the application, specification, or drawings has not or have not been prepared in the prescribed manner, or that the title does not sufficiently indicate the subject-matter of the invention, the comptroller may require that the application, specification, or drawings be amended before he proceeds with the application.

(2.) Where the comptroller requires an amendment, the applicant may appeal from his decision to the law officer.³

¹ The distinct statement of the invention, claimed at the end of the specification, is a new provision, and would seem to require much greater particularity in the statement of claims to inventions than hitherto required.

² The comptroller and examiners are to be appointed by the Board of Trade, under s. 83 of the Act.

³ Law officer means Her Majesty's Attorney-General or Solicitor-General for England. (*See* s. 117 of the Act.)

(3.) The law officer shall, if required, hear the applicant and the comptroller, and may make an order determining whether and subject to what conditions,¹ if any, the application shall be accepted.

(4.) The comptroller shall, when an application has been accepted, give notice thereof to the applicant.

(5.) If after an application has been made, but before a patent has been sealed, an application is made, accompanied by a specification bearing the same or a similar title,² it shall be the duty of the examiner to report to the comptroller whether the specification appears to him to comprise the same invention; and if he reports in the affirmative, the comptroller shall give notice to the applicants that he has so reported.

(6.) Where the examiner reports in the affirmative, the comptroller may determine, subject to an appeal to the law officer, whether the

¹ This would seem to point to the result discussed in the Introductory Chapter, viz., that the law officer may require any alterations he pleases in the specification, and, practically speaking, may possibly be said to settle the specifications brought before him.

² It will be observed that this does not include an inquiry as to patents prior to the application, and is not at all of the same nature as the opposition by one of the public on the ground that the invention has been patented in this country on an application of prior date to the inventor's application. (*See* s. 11, sub-sec. 1.)

**Part II.
Patents.**
—

invention comprised in both applications is the same, and if so, he may refuse to seal a patent on the application of the second applicant.

Time for
leaving com-
plete speci-
fication.

8. (1.) If the applicant does not leave a complete specification with his application, he may leave it at any subsequent time within nine months from the date of application.

(2.) Unless a complete specification is left within that time, the application shall be deemed to be abandoned.

Comparison
of provisional
and complete
specification.

9. (1.) Where a complete specification¹ is left after a provisional specification, the comptroller shall refer both specifications to an examiner, for the purpose of ascertaining whether the complete specification has been prepared in the prescribed manner, and whether the invention particularly described in the complete specification is substantially the same as that which is described in the provisional specification.

(2.) If the examiner reports that the conditions hereinbefore contained have not been complied with, the comptroller may refuse to accept the complete specification unless and until the same shall have been amended to his satisfaction¹; but any such

¹ See observations in Introductory Chapter as to provisional and complete specifications.

refusal shall be subject to appeal to the law officer.

**Part II.
Patents.**

(3.) The law officer shall, if required, hear the applicant and the comptroller, and may make an order determining whether and subject to what conditions,¹ if any, the complete specification shall be accepted.

(4.) Unless a complete specification is accepted within twelve months from the date of application, then (save in the case of an appeal having been lodged against the refusal to accept) the application shall, at the expiration of those twelve months, become void.

(5.) Reports of examiners shall not in any case be published or be open to public inspection, and shall not be liable to production or inspection in any legal proceeding, other than an appeal to the law officer under this Act, unless the Court or officer having power to order discovery in such legal proceeding shall certify that such production or inspection is desirable in the interests of justice, and ought to be allowed.

10. On the acceptance of the complete specification the comptroller shall advertise the acceptance; and the application and

Advertisement
on acceptance
of complete
specification.

¹This seems to point to the result discussed in the Introductory Chapter as to the sufficiency of the complete specification.

**Part II.
Patents.**

Opposition
to grant of
patent.

specification or specifications with the drawings (if any) shall be open to public inspection.¹

11. (1.) Any person may at any time within two months from the date of the advertisement of the acceptance of a complete specification, give notice at the Patent Office of opposition to the grant of the patent on the ground of the applicant having obtained the invention from him, or from a person of whom he is the legal representative, or on the ground that the invention has been patented in this country on an application of prior date, or on the ground of an examiner having reported to the comptroller that the specification appears to him to comprise the same invention as is comprised in a specification bearing the same or a similar title, and accompanying a previous application, but on no other ground.

(2.) Where such notice is given, the comptroller shall give notice of the opposition to the applicant, and shall, on the expiration of those two months, after hearing the applicant and the person so giving notice, if desirous of being heard, decide on the case, but subject to appeal to the law officer.

(3.) The law officer shall, if required, hear

¹ This would seem to be the "publication" of the complete specification referred to in s. 13.

the applicant and any person so giving notice and being, in the opinion of the law officer, entitled to be heard in opposition to the grant, and shall determine whether the grant ought or ought not to be made.¹

(4.) The law officer may, if he thinks fit, obtain the assistance of an expert, who shall be paid such remuneration as the law officer, with the consent of the Treasury shall appoint.

12. (1.) If there is no opposition, or, in case of opposition, if the determination is in favour of the grant of a patent, the comptroller shall cause a patent to be sealed with the seal of the Patent Office.

Sealing of
patent.

(2.) A patent so sealed shall have the same effect as if it were sealed with the Great Seal of the United Kingdom.

(3.) A patent shall be sealed as soon as may be, and not after the expiration of fifteen months from the date of application, except in the cases hereinafter mentioned, that is to say—

¹ The law officer may, under this section, have to decide the question whether the patent sought for has been anticipated by another patent, and this is sometimes a question of great difficulty, and might involve hearing evidence on oath, and a long inquiry. (*See the decision of the House of Lords as to this question overruling the decision of a majority of the Judges, Betts v. Menzies, 10 House of Lords, Cases 117, and 31 Law Journal Reports, New Series, Queen's Bench 233.*) The law officer, under the Act, will be able to hear evidence on oath. (*See s. 38.*)

Part II.
Patents.

(a.) Where the sealing is delayed by an appeal to the law officer, or by opposition to the grant of the patent, the patent may be sealed at such time as the law officer may direct.

(b.) If the person making the application dies before the expiration of the fifteen months aforesaid, the patent may be granted to his legal representative and sealed at any time within twelve months after the death of the applicant.

Date of
patent.

13. Every patent shall be dated and sealed as of the day of the application: Provided, that no proceedings shall be taken in respect of an infringement committed before the publication of the complete specification:¹ Provided also, that in case of more than one application for a patent for the same invention, the sealing of a patent on one of those applications shall not prevent the sealing of a patent on an earlier application.

Provisional Protection.

Provisional
protection.

14. Where an application for a patent in respect of an invention has been accepted, the

¹ The publication referred to would seem to be the advertisement of the acceptance of the complete specification under s. 10. This is an important limitation of the 14 years granted by the patent, and may reduce the profits to be derived from the invention from 14 years to even less than 13 years. (*See* s. 9, sub-sec. 4.)

invention may, during the period between the date of the application and the date of sealing such patent, be used and published without prejudice to the patent to be granted for the same,¹ and such protection from the consequences of use and publication is in this Act referred to as provisional protection.

Protection by complete Specification.

15. After the acceptance of a complete specification and until the date of sealing a patent in respect thereof, or the expiration of the time for sealing, the applicant shall have the like privileges and rights as if a patent for the invention had been sealed on the date of the acceptance of the complete specification: Provided, that an applicant shall not be entitled to institute any proceeding for infringement unless and until a patent for the invention has been granted to him.

Effect of
acceptance of
complete
specification.

Patent.

16. Every patent, when sealed, shall have effect throughout the United Kingdom and the Isle of Man.

Extent of
patent.

17. (1.) The term limited in every patent for the duration thereof shall be fourteen years from its date.

Term of
patent.

¹ This is the only advantage of provisional protection, and it seems to be one of very doubtful value. (See observations in the Introductory Chapter.)

Part II.
Patents.

(2.) But every patent shall, notwithstanding anything therein or in this Act, cease if the patentee fails to make the prescribed payments within the prescribed times.¹

(3.) If, nevertheless, in any case, by accident, mistake or inadvertence, a patentee fails to make any prescribed payment within the prescribed time, he may apply to the comptroller for an enlargement of the time for making that payment.

(4.) Thereupon the comptroller shall, if satisfied that the failure has arisen from any of the above-mentioned causes, on receipt of the prescribed fee for enlargement, not exceeding ten pounds, enlarge the time accordingly, subject to the following conditions:

(a.) The time for making any payment shall not in any case be enlarged for more than three months.

(b.) If any proceeding shall be taken in respect of an infringement of the patent committed after a failure to make any payment within the prescribed time, and before the enlargement thereof, the Court before which the proceeding is proposed to be taken

¹ See these payments in the second schedule to the Act; they may be reduced under s. 24, sub.-sec. 2, by the Board of Trade with the consent of the Treasury.

may, if it shall think fit, refuse to award or give any damages in respect of such infringement.

Part II.
Patents.
—

Amendment of Specification.

18. (1.) An applicant or a patentee may, from time to time, by request in writing left at the Patent Office, seek leave to amend his specification, including drawings forming part thereof, by way of disclaimer, correction, or explanation, stating the nature of such amendment and his reasons for the same.

Amendment of
specification.

(2.) The request and the nature of such proposed amendment shall be advertised in the prescribed manner, and at any time within one month from its first advertisement any person may give notice at the Patent Office of opposition to the amendment.

(3.) Where such notice is given the comptroller shall give notice of the opposition to the person making the request, and shall hear and decide the case, subject to an appeal to the law officer.

(4.) The law officer shall, if required, hear the person making the request and the person so giving notice, and being in the opinion of the law officer entitled to be heard in opposition to the request, and shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

Part II.
Patents.
—

(5.) Where no notice of opposition is given, or the person so giving notice does not appear, the comptroller shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

(6.) When leave to amend is refused by the comptroller, the person making the request may appeal from his decision to the law officer.

(7.) The law officer shall, if required, hear the person making the request and the comptroller, and may make an order determining whether, and subject to what conditions, if any, the amendment ought to be allowed.

(8.) No amendment shall be allowed that would make the specification, as amended, claim an invention substantially larger than or substantially different from the invention claimed by the specification as it stood before amendment.

(9.) Leave to amend shall be conclusive as to the right of the party to make the amendment allowed, except in case of fraud; and the amendment shall in all Courts and for all purposes be deemed to form part of the specification.

(10.) The foregoing provisions of this section do not apply when and so long as any action for infringement or other legal proceeding in relation to a patent is pending.

19. (1.) In an action for infringement of a patent, and in a proceeding for revocation of a patent, the Court or a Judge may at any time order that the patentee shall, subject to such terms as to costs and otherwise as the Court or a Judge may impose, be at liberty to apply at the Patent Office for leave to amend his specification by way of disclaimer,¹ and may direct that in the meantime the trial or hearing of the action shall be postponed.

**Part II.
Patents.**

Power to
disclaim part
of invention
during action,
&c.

20. Where an amendment by way of disclaimer, correction or explanation, has been allowed under this Act, no damages shall be given in any action in respect of the use of the invention before the disclaimer, correction or explanation, unless the patentee establishes to the satisfaction of the Court that his original claim was framed in good faith and with reasonable skill and knowledge.

Restriction on
recovery of
damages.

21. Every amendment of a specification shall be advertised in the prescribed manner.

Advertisement
of amendment.

Compulsory Licences.

22. If on the petition of any person interested it is proved to the Board of Trade that by reason of the default of a patentee to grant licences on reasonable terms—

Power for
Board to order
grant of
licences.

¹ This is a new provision, and will very probably be found to be a most valuable provision in favour of inventors.

Part II.
Patents.

- (a.) The patent is not being worked in the United Kingdom ; or
- (b.) The reasonable requirements of the public with respect to the invention cannot be supplied ; or
- (c.) Any person is prevented from working or using to the best advantage an invention of which he is possessed,

the Board may order the patentee to grant licences¹ on such terms as to the amount of royalties, security for payment, or otherwise, as the Board, having regard to the nature of the invention and the circumstances of the case, may deem just, and any such order may be enforced by mandamus.

Register of Patents.

Register of
patents.

23. (1.) There shall be kept at the Patent Office a book called the Register of Patents, wherein shall be entered the names and addresses of grantees of patents, notifications of assignments and of transmissions of patents, of licences under patents, and of amendments, extensions and revocations of patents, and such other matters affecting the validity or proprietorship of patents as may from time to time be prescribed.

¹ This is a new provision, and will probably be found beneficial to inventors.

(2.) The register of patents shall be *prima facie* evidence of any matters by this Act directed or authorised to be inserted therein.¹

Part II.
Patents.
—

(3.) Copies of deeds, licences, and any other documents affecting the proprietorship in any letters patent or in any licence thereunder, must be supplied to the comptroller in the prescribed manner for filing in the Patent Office.

Fees.

24. (1.) There shall be paid in respect of the several instruments described in the second schedule to this Act, the fees in that schedule mentioned, and there shall likewise be paid, in respect of other matters under this part of the Act, such fees as may be from time to time, with the sanction of the Treasury, prescribed by the Board of Trade; and such fees shall be levied and paid to the account of Her Majesty's Exchequer, in such manner as the Treasury may from time to time direct.

Fees in
schedule.

(2.) The Board of Trade may from time to time, if they think fit, with the consent of the Treasury, reduce any of those fees.

Extension of Term of Patent.

25. (1.) A patentee may, after advertising

Extension of
term of patent
on petition to
Queen in
Council.

¹ See s. 90 as to rectification of register.

Part II.
Patents.
—

in manner directed by any rules made under this section his intention to do so, present a petition to Her Majesty in Council, praying that his patent may be extended for a further term; but such petition must be presented at least six months before the time limited for the expiration of the patent.

(2.) Any person may enter a caveat, addressed to the Registrar of the Council at the Council Office, against the extension.

(3.) If Her Majesty shall be pleased to refer any such petition to the Judicial Committee of the Privy Council, the said Committee shall proceed to consider the same, and the petitioner and any person who has entered a caveat shall be entitled to be heard by himself or by counsel on the petition.

(4.) The Judicial Committee shall, in considering their decision, have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such, and to all the circumstances of the case.

(5.) If the Judicial Committee report that the patentee has been inadequately remunerated by his patent, it shall be lawful for Her Majesty in Council to extend the term of the patent for a further term, not exceeding seven, or in exceptional cases, 14 years; or to order the grant of a new patent for the term therein

mentioned, and containing any restrictions, conditions, and provisions that the Judicial Committee may think fit.

(6.) It shall be lawful for Her Majesty in Council to make, from time to time, rules of procedure and practice for regulating proceedings on such petitions, and subject thereto such proceedings shall be regulated according to the existing procedure and practice in patent matters of the Judicial Committee.

(7.) The costs of all parties of and incident to such proceedings shall be in the discretion of the Judicial Committee; and the orders of the Committee respecting costs shall be enforceable as if they were orders of a division of the High Court of Justice.

Revocation.

26. (1.) The proceeding by *scire facias* to repeal a patent is hereby abolished. Revocation
of patent.

(2.) Revocation of a patent may be obtained on petition to the Court.¹

(3.) Every ground on which a patent might, at the commencement of this Act, be repealed by *scire facias*, shall be available by way of

¹ The Court means (subject to the provisions for Scotland, Ireland and the Isle of Man) Her Majesty's High Court of Justice in England. (*See s. 117.*)

Part II.
Patents.
—

defence to an action of infringement, and shall also be a ground of revocation.¹

(4.) A petition for revocation of a patent may be presented by—

(a.) The Attorney-General in England or Ireland, or the Lord Advocate in Scotland :

(b.) Any person authorised by the Attorney-General in England or Ireland, or the Lord Advocate in Scotland :

(c.) Any person alleging that the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims :

(d.) Any person alleging that he, or any person under or through whom he claims, was the true inventor of any invention included in the claim of the patentee :

(e.) Any person alleging that he, or any person under or through whom he claims an interest in any trade, business, or manufacture, had publicly manufactured, used, or sold, within this realm, before the date of the patent,

¹ This must mean *subject to the alterations made by the Act*, and the clause cannot, it is considered, be read as if it were written, "Every ground on which a patent might, *before the commencement of the Act, &c.*" (See observations as to this in Introductory Chapter.)

anything claimed by the patentee as his invention.

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Patents.

(5.) The plaintiff must deliver with his petition particulars of the objections on which he means to rely, and no evidence shall, except by leave of the Court or a judge, be admitted in proof of any objection of which particulars are not so delivered.

(6.) Particulars delivered may be from time to time amended by leave of the Court or a judge.

(7.) The defendant shall be entitled to begin, and give evidence in support of the patent, and if the plaintiff gives evidence impeaching the validity of the patent the defendant shall be entitled to reply.

(8.) Where a patent has been revoked on the ground of fraud, the comptroller may, on the application of the true inventor, made in accordance with the provisions of this Act, grant to him a patent in lieu of and bearing the same date as the date of revocation of the patent so revoked, but the patent so granted shall cease on the expiration of the term for which the revoked patent was granted.

Crown.

27. (1.) A patent shall have to all intents the like effect as against Her Majesty the

Patent to
bind Crown.

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Patents.
—

Queen, her heirs and successors, as it has against a subject.¹

(2.) But the officers or authorities administering any department of the service of the Crown may, by themselves, their agents, contractors, or others, at any time after the application, use the invention for the services of the Crown on terms to be before or after the use thereof agreed on, with the approval of the Treasury, between those officers or authorities and the patentee, or in default of such agreement, on such terms as may be settled by the Treasury after hearing all parties interested.

Legal Proceedings.

Hearing with
assessor.

28. (1.) In an action or proceeding for infringement or revocation of a patent, the Court may, if it thinks fit, and shall, on the request of either of the parties to the proceeding, call in the aid of an assessor specially qualified,² and try and hear the case wholly or partially with his assistance; the action shall be tried without a jury unless the Court shall otherwise direct.

¹ This is a new right given to inventors, and in some cases will be very beneficial to them.

² This provision is new, and very probably will not prove beneficial to inventors, as upon a question of novelty or utility it might be very difficult to convince an assessor

(2.) The Court of Appeal or the Judicial Committee of the Privy Council may, if they see fit, in any proceeding before them respectively, call in the aid of an assessor as aforesaid.

(3.) The remuneration, if any, to be paid to an assessor under this section, shall be determined by the Court or the Court of Appeal or Judicial Committee, as the case may be, and be paid in the same manner as the other expenses of the execution of this Act.

29. (1.) In an action for infringement of a patent, the plaintiff must deliver with his statement of claim, or by order of the Court or the Judge, at any subsequent time, particulars of the breaches complained of.

Delivery of
particulars.

(2.) The defendant must deliver with his statement of defence, or, by order of the Court or Judge, at any subsequent time, particulars of any objections on which he relies in support thereof.

(3.) If the defendant disputes the validity

“specially qualified” that any improvement is novel or useful. It is also objectionable as giving patronage to the Court, which had much better be exercised by some independent authority, and especially as, under sub-sec. 3, the Court will have to settle the remuneration to be paid to the assessor; the remuneration will be payable out of money provided by Parliament (s. 83, sub-sec. 2).

Part II.
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of the patent, the particulars delivered by him must state on what grounds he disputes it, and if one of those grounds is want of novelty, must state the time and place of the previous publication or user alleged by him.

(4.) At the hearing, no evidence shall, except by leave of the Court or a Judge, be admitted in proof of any alleged infringement or objection of which particulars are not so delivered.

(5.) Particulars delivered may be from time to time amended, by leave of the Court or a Judge.

(6.) On taxation of costs regard shall be had to the particulars delivered by the plaintiff and by the defendant; and they respectively shall not be allowed any costs in respect of any particular delivered by them unless the same is certified by the Court or a Judge to have been proven or to have been reasonable and proper, without regard to the general costs of the case.

Order for
inspection,
&c., in action.

30. In an action for infringement of a patent, the Court or a Judge may, on the application of either party, make such order for an injunction, inspection or account, and impose such terms and give such directions respecting the same and the proceedings thereon as the Court or a Judge may see fit.

31. In an action for infringement of a patent¹, the Court or a Judge may certify that the validity of the patent came in question ; and if the Court or a Judge so certifies, then in any subsequent action for infringement the plaintiff in that action, on obtaining a final order or judgment in his favour, shall have his full costs, charges and expenses as between solicitor and client, unless the Court or Judge trying the action certifies that he ought not to have the same.

**Part II.
Patents.**

Certificate of
validity
questioned and
costs thereon.

32. Where any person claiming to be the patentee of an invention, by circulars, advertisements or otherwise, threatens any other person with any legal proceedings or liability in respect of any alleged manufacture, use, sale or purchase of the invention, any person or persons aggrieved thereby may bring an action against him, and may obtain an injunction against the continuance of such threats, and may recover such damage (if any) as may have been sustained thereby, if the alleged manufacture, use, sale or purchase to which the threats related was not in fact an infringement of any legal rights of the person making

Remedy in case
of groundless
threats of legal
proceedings.

¹ This must mean when the patentee succeeds in the action. (*See* the repealed provisions 5 and 6 Will. IV. c. 83, s. 3, where it is expressly so provided ; but strangely enough, this limitation is not in the corresponding section 43 of the (also repealed) Act 15 and 16 Vic. c. 83.)

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Patents.**

such threats: Provided, that this section shall not apply if the person making such threats with due diligence commences and prosecutes an action for infringement of his patent.¹

Miscellaneous.

Patent for
one invention
only.

33. Every patent may be in the form in the first schedule to this Act, and shall be granted for one invention only, but may contain more than one claim; but it shall not be competent for any person in an action or other proceeding to take any objection to a patent on the ground that it comprises more than one invention.

Patent on
application of
representative
of deceased
inventor.

34. (1.) If a person possessed of an invention dies without making application for a patent for the invention, application may be made by, and a patent for the invention granted to his legal representative.

(2.) Every such application must be made within six months of the decease of such person, and must contain a declaration by the legal representative, that he believes such person to be the true and first inventor of the invention.

Patent to first
inventor not
invalidated by
application in
fraud of him.

35. A patent granted to the true and first inventor shall not be invalidated by an application in fraud of him, or by provisional

¹ This is a new provision and of very doubtful utility, though it may give rise to very considerable annoyance and litigation.

protection obtained thereon, or by any use or publication of the invention subsequent to that fraudulent application during the period of provisional protection.

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Patents.
—

36. A patentee may assign his patent for any place in or part of the United Kingdom, or Isle of Man, as effectually as if the patent were originally granted to extend to that place or part only.¹

Assignment
for particular
places.

37. If a patent is lost or destroyed, or its non-production is accounted for to the satisfaction of the comptroller, the comptroller may at any time cause a duplicate thereof to be sealed.

Loss or de-
struction of
patent.

38. The law officers may examine witnesses on oath and administer oaths for that purpose under this part of this Act, and may from time to time make, alter, and rescind rules regulating references and appeals to the law officers and the practice and procedure before them under this part of this Act; and in any proceeding before either of the law officers under this part of this Act the law officer may order costs to be paid by either party, and any such order may be made a rule of the Court.²

Proceedings
and costs
before law
officer.

¹ This is a new provision, and will most probably prove very useful and beneficial to patentees.

² This provision is very large, and suggests the idea that *many* law officers may be necessary to carry the Act

**Part II.
Patents.**

Exhibition at
Industrial or
International
Exhibition not
to prejudice
patent rights.

39. The exhibition of an invention at an industrial or international exhibition, certified as such by the Board of Trade, or the publication of any description of the invention during the period of the holding of the exhibition, or the use of the invention for the purpose of the exhibition in the place where the exhibition is held, or the use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, shall not prejudice the right of the inventor or his legal personal representative to apply for and obtain provisional protection and a patent in respect of the invention or the validity of any patent granted on the application, provided that both the following conditions are complied with, namely :—

- (a.) The exhibitor must, before exhibiting the invention, give the comptroller the prescribed notice of his intention to do so ; and
- (b.) The application for a patent must be made before or within six months from the date of the opening of the exhibition.

into effect, it seems indeed hardly probable that the Act can be efficiently carried into effect without one or more permanent law officers, appointed exclusively for the business of the Patent Office.

40. (1.) The comptroller shall cause to be issued periodically an illustrated journal of patented inventions, as well as reports of patent cases decided by Courts of law, and any other information that the comptroller may deem generally useful or important.¹

**Part II.
Patents.**
Publication of
illustrated
journal,
indexes, &c.

(2.) Provision shall be made by the comptroller for keeping on sale copies of such journal, and also of all complete specifications of patents for the time being in force, with their accompanying drawings, if any.²

(3.) The comptroller shall continue in such form as he may deem expedient, the indexes and abridgments of specifications hitherto published, and shall from time to time prepare and publish such other indexes, abridgments of specifications, catalogues, and other works relating to inventions, as he may see fit.

41. The control and management of the existing Patent Museum and its contents shall, from and after the commencement of this Act, be transferred to and vested in the Department of Science and Art, subject to such directions as Her Majesty in Council may see fit to give.

**Patent
Museum.**

¹ This, no doubt, means such cases as he thinks necessary to be reported. It is not clear who is to furnish the reports to the comptroller. Is he to employ a staff of reporters?

² It is strange that provisional specifications are not included in this provision.

**Part II.
Patents.**

Power to
require models
on payment.

42. The Department of Science and Art may at any time require a patentee to furnish them with a model of his invention on payment to the patentee of the cost of the manufacture of the model; the amount to be settled, in case of dispute, by the Board of Trade.

Foreign
vessels in
British waters.

43. (1.) A patent shall not prevent the use of an invention for the purposes of the navigation of a foreign vessel within the jurisdiction of any of Her Majesty's Courts in the United Kingdom, or Isle of Man, or the use of an invention in a foreign vessel within that jurisdiction, provided it is not used therein for or in connexion with the manufacture or preparation of anything intended to be sold in or exported from the United Kingdom or Isle of Man.

(2.) But this section shall not extend to vessels of any foreign State of which the laws authorise subjects of such foreign State, having patents or like privileges for the exclusive use or exercise of inventions within its territories, to prevent or interfere with the use of such inventions in British vessels while in the ports of such foreign State, or in the waters within the jurisdiction of its Courts, where such inventions are not so used for the manufacture or preparation of anything intended to be sold in or exported from the territories of such foreign State.

44. (1.) The inventor of any improvement in instruments or munitions of war, his executors, administrators, or assigns (who are in this section comprised in the expression "the inventor") may (either for or without valuable consideration) assign to Her Majesty's Principal Secretary of State for the War Department (hereinafter referred to as "the Secretary of State"), on behalf of Her Majesty, all the benefit of the invention and of any patent obtained or to be obtained for the same; and the Secretary of State may be a party to the assignment.

**Part II.
Patents.**
—

Assignment to
Secretary for
War of certain
inventions.

(2.) The assignment shall effectually vest the benefit of the invention and patent in the Secretary of State for the time being on behalf of Her Majesty, and all covenants and agreements therein contained for keeping the invention secret and otherwise shall be valid and effectual (notwithstanding any want of valuable consideration), and may be enforced accordingly by the Secretary of State for the time being.

(3.) Where any such assignment has been made to the Secretary of State, he may at any time before the application for a patent for the invention, or before publication of the specification or specifications, certify to the comptroller his opinion that, in the interest of the public service, the particulars of the inven-

Part II.
Patents.
—

tion and of the manner in which it is to be performed should be kept secret.

(4.) If the Secretary of State so certifies, the application or specification or specifications with the drawings (if any), and any amendment in the specification or specifications, and any copies of such documents and drawings, shall, instead of being left in the ordinary manner at the Patent Office, be delivered to the comptroller in a packet sealed by authority of the Secretary of State.

(5.) Such packet shall until the expiration of the term or extended term during which a patent for the invention may be in force, be kept sealed by the comptroller, and shall not be opened save under the authority of an order of the Secretary of State, or of the law officers.

(6.) Such sealed packet shall be delivered at any time during the continuance of the patent, to any person authorised, by writing under the hand of the Secretary of State, to receive the same, and shall, if returned, to the comptroller, be again kept sealed by him.

(7.) On the expiration of the term or extended term of the patent, such sealed packet shall be delivered to any person authorised, by writing under the hand of the Secretary of State, to receive it.

(8.) Where the Secretary of State certifies as aforesaid, after an application for a patent

has been left at the Patent Office, but before the publication of the specification or specifications, the application, specification or specifications, with the drawings (if any), shall be forthwith placed in a packet sealed by authority of the comptroller, and such packet shall be subject to the foregoing provisions respecting a packet sealed by authority of the Secretary of State.

(9.) No proceeding by petition or otherwise shall lie for revocation of a patent granted for an invention in relation to which the Secretary of State has certified as aforesaid.

(10.) No copy of any specification or other document or drawing, by this section required to be placed in a sealed packet, shall in any manner whatever be published or open to the inspection of the public, but save as in this section otherwise directed, the provisions of this part of this Act shall apply in respect of any such invention and patent as aforesaid.

(11.) The Secretary of State may, at any time by writing under his hand, waive the benefit of this section with respect to any particular invention, and the specifications, documents and drawings shall be thenceforth kept and dealt with in the ordinary way.

(12.) The communication of any invention for any improvement in instruments or munitions of war to the Secretary of State, or to any person or persons authorised by him to investi-

Part II.
Patents.

gate the same or the merits thereof, shall not, nor shall anything done for the purposes of the investigation, be deemed use or publication of such invention so as to prejudice the grant or validity of any patent for the same.

Existing Patents.

Provisions
respecting
existing
patents.

45. (1.) The provisions of this Act relating to applications for patents and proceedings thereon shall have effect in respect only of applications made after the commencement of this Act.

(2.) Every patent granted before the commencement of this Act, or on an application then pending, shall remain unaffected by the provisions of this Act relating to patents binding the Crown, and to compulsory licences.

(3.) In all other respects (including the amount and time of payment of fees) this Act shall extend to all patents granted before the commencement of this Act, or on applications then pending, in substitution for such enactments as would have applied thereto if this Act had not been passed.¹

(4.) All instruments relating to patents granted before the commencement of this

¹ See s. 113, which does not seem to agree with the above provisions, and it may be a question which section is to take effect on patents granted subsequent to the 31st December, 1883, on applications pending on that date.

Act required to be left or filed in the Great Seal Patent Office shall be deemed to be so left or filed if left or filed before or after the commencement of this Act in the Patent Office.

**Part II.
Patents.**
—

Definitions.

46. In and for the purposes of this Act—

“Patent” means letters patent for an invention :

Definitions
of patent,
patentee, and
invention.

“Patentee” means the person for the time being entitled to the benefit of a patent :

“Invention” means any manner of new manufacture the subject of letters patent and grant of privilege within section six of the Statute of Monopolies (that is, the Act of the twenty-first year of the reign of King James the First, chapter three, intituled “An Act concerning monopolies and dispensations with penal laws and the forfeiture thereof”),¹ and includes an alleged invention.

In Scotland “injunction” means “interdict.”

¹ This section is as follows : “Provided and be it declared and enacted that any declaration before mentioned shall not extend to any letters patents and grants of privilege for the term of 14 years or under hereafter to be made, of the sole working or making of any manner of new manufactures within this realm, to the true and first inventor or inventors of such manufactures which others at the time of making such letters patent and grants shall not use, so as also they be not contrary to the law nor mischievous to the State, by raising prices of commodities at home, or hurt of trade, or generally

Part III.
Designs.

PART III.

DESIGNS.

Registration of Designs.

Application
for registra-
tion of
designs.

47. (1.) The comptroller may, on application¹ by or on behalf of any person claiming to be the proprietor of any new or original design not previously published in the United Kingdom,² register the design under this part of this Act.

(2.) The application must be made in the form set forth in the first schedule to this Act, or in such other form as may be from time to time prescribed, and must be left at, or sent by post to the Patent Office in the prescribed manner.

(3.) The application must contain a statement of the nature of the design, and the class or classes of goods in which the applicant desires that the design be registered.

inconvenient, the said 14 years to be accounted from the date of the first letters patents or grant of such privilege hereafter to be made, but that the same shall be of force as they should be if this Act had never been made, and of none other."

¹ The application must be signed by the applicant or by some person on his behalf; in the case of a registered Company it is usual for the Managing Director or Secretary to sign.

² See ss. 103 & 104 as to arrangements with the Colonies or foreign countries.

(4.) The same design may be registered in more than one class.

(5.) In case of doubt as to the class in which a design ought to be registered, the comptroller may decide the question.

(6.) The comptroller may, if he thinks fit, refuse to register any design presented to him for registration, but any person aggrieved by any such refusal may appeal therefrom to the Board of Trade.

(7.) The Board of Trade shall, if required, hear the applicant and the comptroller, and may make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

48. (1.) On application for registration of a design the applicant shall furnish to the comptroller the prescribed number of copies of drawings, photographs or tracings of the design sufficient, in the opinion of the comptroller, for enabling him to identify the design; or the applicant may, instead of such copies, furnish exact representations or specimens of the design.¹

Drawings, &c.,
to be furnished
on application.

(2.) The comptroller may, if he thinks fit, refuse any drawing, photograph, tracing, representation or specimen which is not, in his opinion, suitable for the official records.

¹ It would be advisable to lodge exact representations of the design. See s. 50, sub-s. 2.

**Part III.
Designs.**

Certificate of
registration.

49. (1.) The comptroller shall grant a certificate of registration to the proprietor of the design when registered.

(2.) The comptroller may, in case of loss of the original certificate, or in any other case in which he deems it expedient, grant a copy or copies of the certificate.

Copyright in registered Designs.

Copyright on
registration.

50. (1.) When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Act, have copyright in the design during five years from the date of registration.

(2.) Before delivery on sale of any articles to which a registered design has been applied, the proprietor must (if exact representations or specimens were not furnished on the application for registration), furnish to the comptroller the prescribed number of exact representations or specimens of the design; and if he fails to do so, the comptroller may erase his name from the register, and thereupon his copyright in the design shall cease.

Marking
registered
designs.

51. Before delivery on sale of any articles to which a registered design has been applied, the proprietor of the design shall cause each such article to be marked with the prescribed mark, or with the prescribed word or words, or figures, denoting that the design is registered;

and if he fails to do so the copyright in the design shall cease, unless the proprietor shows that he took all proper steps to ensure the marking of the article.

**Part III.
Designs.**

52. (1.) During the existence of copyright in a design, the design shall not¹ be open to inspection except by the proprietor, or a person authorised in writing by the proprietor, or a person authorised by the comptroller or by the Court, and furnishing such information as may enable the comptroller to identify the design, nor except in the presence of the comptroller, or of an officer acting under him, nor except on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design, or of any part thereof.

Inspection of
registered
designs.

(2.) When the copyright in a design has ceased, the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

53. On the request of any person producing a particular design, together with its mark of registration, or producing only its mark of registration, or furnishing such information as may enable the comptroller to

Information as
to existence of
copyright.

¹ This seems to be a very singular provision and one that ought to be repealed. See s. 53, which authorises the comptroller to give information which any inquirer ought to be able to get for himself.

Part III.
Designs.

identify the design, and on payment of the prescribed fee, it shall be the duty of the comptroller to inform such person whether the registration still exists in respect of such design, and if so, in respect of what class or classes of goods, and stating also the date of registration, and the name and address of the registered proprietor.

Cesser of copy-
right in certain
events.

54. If a registered design is used in manufacture in any foreign country, and is not used in this country within six months of its registration in this country, the copyright in the design shall cease.¹

Register of Designs.

Register of
designs.

55. (1.) There shall be kept at the Patent Office a book called the Register of Designs, wherein shall be entered the names and addresses of proprietors of registered designs, notifications of assignments and of transmissions of registered designs, and such other matters as may from time to time be prescribed.

(2.) The register of designs shall be *prima facie* evidence of any matters by this Act directed or authorised to be entered therein.²

¹ See also ss. 103 & 104 as to the registration of foreign designs in England.

² The comptroller's certificate of any entry will be accepted as *prima facie* evidence. (See s. 96.)

Fees.

**Part III.
Designs.**

Fees on
registration,
&c.

56. There shall be paid in respect of applications and registration, and other matters under this part of this Act, such fees as may be from time to time, with the sanction of the Treasury, prescribed by the Board of Trade; and such fees shall be levied and paid to the account of Her Majesty's Exchequer in such manner as the Treasury shall from time to time direct.

Industrial and International Exhibitions.

57. The exhibition at an industrial or international exhibition, certified as such by the Board of Trade, or the exhibition elsewhere during the period of the holding of the exhibition, without the privity or consent of the proprietor, of a design, or of any article to which a design is applied, or the publication during the holding of any such exhibition, of a description of a design, shall not prevent the design from being registered, or invalidate the registration thereof, provided that both the following conditions are complied with; namely :—

Exhibition at
industrial or
international
exhibition not
to prevent or
invalidate
registration.

- (a.) The exhibitor must, before exhibiting the design or article or publishing a description of the design, give the comptroller the prescribed notice of his intention to do so; and

Part III.
Designs.

- (b.) The application for registration must be made before or within six months from the date of the opening of the exhibition.

Legal Proceedings.

Penalty on
piracy of
registered
design.

58. During the existence of copyright in any design—

- (a.) It shall not be lawful for any person without the licence or written consent of the registered proprietor to apply such design, or any fraudulent or obvious imitation thereof, in the class or classes of goods in which such design is registered, for purposes of sale, to any article of manufacture, or to any substance, artificial or natural, or partly artificial and partly natural; and
- (b.) It shall not be lawful for any person to publish or expose for sale any article of manufacture or any substance to which such design, or any fraudulent or obvious imitation thereof, shall have been so applied, knowing that the same has been so applied without the consent of the registered proprietor.

Any person who acts in contravention of this section shall be liable for every offence to forfeit a sum not exceeding fifty pounds to the registered proprietor of the design, who

may recover such sum as a simple contract debt by action in any Court of competent jurisdiction.

Part III.
Designs.

59. Notwithstanding the remedy given by this Act for the recovery of such penalty as aforesaid, the registered proprietor of any design may (if he elects to do so) bring an action for the recovery of any damages arising from the application of any such design, or of any fraudulent or obvious imitation thereof for the purpose of sale, to any article of manufacture or substance, or from the publication, sale, or exposure for sale by any person of any article or substance to which such design, or any fraudulent or obvious imitation thereof, shall have been so applied, such person knowing that the proprietor had not given his consent to such application.

Action for
damages.

Definitions.

60. In and for the purposes of this Act—
“Design” means any design applicable to any article of manufacture, or to any substance artificial or natural, or partly artificial and partly natural, whether the design is applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means it is applicable, whether by

Definition
of “design,”
“copyright.”

Part III.
Designs.

printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or any other means whatever, manual, mechanical, or chemical, separate or combined, not being a design for a sculpture, or other thing within the protection of the Sculpture Copyright Act of the year 1814 (54 George III. c. 56).

“ Copyright ” means the exclusive right to apply a design to any article of manufacture, or to any such substance as aforesaid, in the class or classes in which the design is registered.

**Definition of
proprietor.**

61. The author of any new and original design shall be considered the proprietor thereof, unless he executed the work on behalf of another person for a good or valuable consideration, in which case such person shall be considered the proprietor, and every person acquiring for a good or valuable consideration a new and original design, or the right to apply the same to any such article or substance as aforesaid, either exclusively of any other person or otherwise, and also every person on whom the property in such design or such right to the application thereof shall devolve, shall be considered the proprietor of the design in the respect in which the same may have been so acquired, and to that extent, but not otherwise.¹

¹ See s. 87 as to assignment, &c., of copyright.

PART IV.
TRADE MARKS.

Part IV.
Trade
Marks.

Registration of Trade Marks.

62. (1.) The comptroller may, on application¹ by or on behalf of any person claiming to be the proprietor of a trade mark, register the trade mark.

Application
for registra-
tion.

(2.) The application must be made in the form set forth in the first schedule to this Act, or in such other form as may be from time to time prescribed, and must be left at, or sent by post to, the Patent Office in the prescribed manner.

(3.) The application must be accompanied by the prescribed number² of representations of the trade mark, and must state the particular goods or classes³ of goods in connection with which the applicant desires the trade mark to be registered.

(4.) The comptroller may, if he thinks fit, refuse to register a trade mark, but any such

¹ The application should be signed by the proprietor, or by some person on his behalf, or in the case of a registered Company, by the Managing Director or Secretary.

² Two copies of the mark must accompany the application, and an extra copy for every additional class after the first.

³ It is advisable to search the particular class in which registration is desired before leaving an application to register a new mark.

**Part IV.
Trade
Marks.**

refusal shall be subject to appeal to the Board of Trade, who shall, if required, hear the applicant and the comptroller, and may make an order determining whether, and subject to what conditions, if any, registration is to be permitted.

(5.) The Board of Trade may, however, if it appears expedient, refer the appeal to the Court; and in that event the Court shall have jurisdiction to hear and determine the appeal, and may make such order as aforesaid.

Limit of time
for proceeding
with applica-
tion.

63. Where registration of a trade mark has not been or shall not be completed within twelve months from the date of the application, by reason of default on the part of the applicant, the application shall be deemed to be abandoned.

Conditions of
registration of
trade mark.

64. (1.) For the purposes of this Act, a trade mark must consist of or contain at least one of the following essential particulars:

- (a.) A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner; or
- (b.) A written signature, or copy of a written signature, of the individual or firm applying for registration thereof as a trade mark; or
- (c.) A distinctive device, mark, brand, heading, label, ticket, or fancy word or words not in common use.

(2.) There may be added to any one or more of these particulars any letters, words or figures, or combinations of letters, words or figures, or of any of them.

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Trade
Marks.

(3.) Provided that any special and distinctive word or words, letter, figure or combination of letters or figures, or of letters and figures, used as a trade mark before the thirteenth day of August, one thousand eight hundred and seventy-five, may be registered as a trade mark under this part of this Act.

65. A trade mark must be registered for particular goods or classes of goods.

Connection of
trade mark
with goods.

66. When a person claiming to be the proprietor of several trade marks which, while resembling each other in the material particulars thereof, yet differ in respect of (a) the statement of the goods for which they are respectively used or proposed to be used, or (b) statements of numbers, or (c) statements of price, or (d) statements of quality, or (e) statements of names of places, seeks to register such trade marks, they may be registered as a series in one registration. A series of trade marks shall be assignable and transmissible only as a whole, but for all other purposes each of the trade marks composing a series shall be deemed and treated as registered separately.

Registration
of a series of
marks.

**Part IV.
Trade
Marks.**

Trade marks
may be
registered in
any colour.

67. A trade mark may be registered in any colour, and such registration shall (subject to the provisions of this Act) confer on the registered owner the exclusive right to use the same in that or any other colour.

Advertisement
of application.

68. Every application for registration of a trade mark under this part of this Act shall, as soon as may be after its receipt, be advertised by the comptroller.

Opposition to
registration.

69. (1.) Any person may within two months of the first advertisement of the application, give notice in duplicate at the Patent Office, of opposition to registration of the trade mark, and the comptroller shall send one copy of such notice to the applicant.

(2.) Within two months after receipt of such notice, or such further time as the comptroller may allow, the applicant may send to the comptroller a counter statement in duplicate of the grounds on which he relies for his application, and if he does not do so, shall be deemed to have abandoned his application.

(3.) If the applicant sends such counter statement, the comptroller shall furnish a copy thereof to the person who gave notice of opposition, and shall require him to give security in such manner and to such amount as the comptroller may require for such costs as may be awarded in respect of such opposition; and if such security is not given within 14

days after such requirement was made or such further time as the comptroller may allow, the opposition shall be deemed to be withdrawn.

**Part IV.
Trade
Marks.**

(4.) If the person who gave notice of opposition duly gives such security as aforesaid, the comptroller shall inform the applicant thereof in writing, and thereupon the case shall be deemed to stand for the determination of the Court.

70. A trade mark, when registered, shall be assigned and transmitted only in connection with the good-will of the business concerned in the particular goods or classes of goods for which it has been registered, and shall be determinable with that good-will.¹

Assignment
and trans-
mission of
trade mark.

71. Where each of several persons claims to be registered as proprietor of the same trade mark, the comptroller may refuse to register any of them until their rights have been determined according to law, and the comptroller may himself submit or require the claimants to submit their rights to the Court.

Conflicting
claims to
registration.

72. (1.) Except where the Court has decided that two or more persons are entitled to be registered as proprietors of the same trade mark, the comptroller shall not register in respect of the same goods or description of goods a trade mark identical with one already

Restrictions on
registration.

¹ The assignment must be registered at the Patent Office, s. 78.

**Part IV.
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Marks.**

on the register with respect to such goods or description of goods.

(2.) The comptroller shall not register with respect to the same goods or description of goods a trade mark so nearly resembling a trade mark already on the register with respect to such goods or description of goods as to be calculated to deceive.

Further
restriction on
registration.

73. It shall not be lawful to register as part of or in combination with a trade mark any words the exclusive use of which would by reason of their being calculated to deceive or otherwise, be deemed disentitled to protection in a Court of justice, or any scandalous design.

Saving for
power to pro-
vide for entry
on register of
common marks
as additions to
trade marks.

74. (1.) Nothing in this Act shall be construed to prevent the comptroller entering on the register, in the prescribed manner, and subject to the prescribed conditions, as an addition to any trade mark—

(a.) In the case of an application for registration of a trade mark used before the Thirteenth day of August One thousand eight hundred and seventy-five—

Any distinctive device, mark, brand, heading, label, ticket, letter, word, or figure, or combination of letters, words or figures, though the same is common to the trade in the goods with respect to which the application is made ;

- (b.) In the case of an application for registration of a trade mark not used before the Thirteenth day of August One thousand eight hundred and seventy-five—

Any distinctive word or combination of words, though the same is common to the trade in the goods with respect to which the application is made ;

(2.) The applicant for entry of any such common particular, or particulars, must, however, disclaim in his application any right to the exclusive use of the same, and a copy of the disclaimer shall be entered on the register.

(3.) Any device, mark, brand, heading, label, ticket, letter, word, figure, or combination of letters, words or figures, which was or were before the Thirteenth day of August, One thousand eight hundred and seventy-five, publicly used by more than three persons on the same or a similar description of goods, shall, for the purposes of this section, be deemed common to the trade in such goods.

Effect of Registration.

75. Registration of a trade mark shall be deemed to be equivalent to public use of the trade mark.

Registration
equivalent to
public use.

**Part IV.
Trade
Marks.**

Right of first proprietor to exclusive use of trade mark.

76. The registration of a person as proprietor of a trade mark, shall be *primâ facie* evidence of his right to the exclusive use of the trade mark, and shall, after the expiration of five years from the date of the registration, be conclusive evidence of his right to the exclusive use of the trade mark, subject to the provisions of this Act.¹

Restrictions on actions for infringement, and on defence to action in certain cases

77. A person shall not be entitled to institute any proceeding to prevent or to recover damages for the infringement of a trade mark unless, in the case of a trade mark capable of being registered under this Act, it has been registered in pursuance of this Act, or of an enactment repealed by this Act, or, in the case of any other trade mark in use before the Thirteenth of August, One thousand eight hundred and seventy-five, registration thereof under this part of this Act, or of an enactment repealed by this Act, has been refused. The comptroller may, on request, and on payment of the prescribed fee, grant a certificate that such registration has been refused.

Register of Trade Marks.

Register of trade marks.

78. There shall be kept at the Patent Office a book called the Register of Trade

¹ To continue registrations in force, new fees are payable at the end of the first 14 years (s. 79), and it was probably intended that new fees should be payable every 14 years, but it is doubtful whether the Act will have that effect (s. 79, sub-sec. 2).

Marks, wherein shall be entered the names and addresses of proprietors of registered trade marks, notifications of assignments and of transmissions of trade marks, and such other matters as may be from time to time prescribed.

**Part IV.
Trade
Marks.**

79. (1.) At a time not being less than two months nor more than three months before the expiration of 14 years from the date of the registration of a trade mark, the comptroller shall send notice to the registered proprietor that the trade mark will be removed from the register unless the proprietor pays to the comptroller before the expiration of such 14 years (naming the date at which the same will expire) the prescribed fee; and if such fee be not previously paid, he shall at the expiration of one month from the date of the giving of the first notice send a second notice to the same effect.

Removal of
trade mark
after 14 years
unless fee paid.

(2.) If such fee be not paid before the expiration of such 14 years, the comptroller may after the end of three months from the expiration of such 14 years remove the mark from the register, and so from time to time at the expiration of every period of 14 years.

(3.) If before the expiration of the said three months the registered proprietor pays the said fee, together with the additional prescribed fee, the comptroller may without removing such trade mark from the register accept the

**Part IV.
Trade
Marks.**

said fee as if it had been paid before the expiration of the said 14 years.

(4.) Where after the said three months a trade mark has been removed from the register for nonpayment of the prescribed fee, the comptroller may, if satisfied that it is just so to do, restore such trade mark to the register on payment of the prescribed additional fee.

(5.) Where a trade mark has been removed from the register for nonpayment of the fee or otherwise, such trade mark shall nevertheless, for the purpose of any application for registration during the five years next after the date of such removal, be deemed to be a trade mark which is already registered.

Fees.

Fees for
registration,
&c.

80. There shall be paid in respect of applications and registration and other matters under this part of this Act, such fees as may be from time to time, with the sanction of the Treasury, prescribed by the Board of Trade; and such fees shall be levied and paid to the account of Her Majesty's Exchequer in such manner as the Treasury may from time to time direct.

Sheffield Marks.

Registration
by Cutlers'
Company of
Sheffield
marks.

81. With respect to the master, wardens, searchers, assistants, and commonalty of the Company of Cutlers, in Hallamshire, in the

county of York (in this Act called the Cutlers' Company), and the marks or devices (in this Act called Sheffield marks) assigned or registered by the master, wardens, searchers, and assistants of that Company, the following provisions shall have effect :

- (1.) The Cutlers' Company shall establish and keep at Sheffield a new register of trade marks (in this Act called the Sheffield register) :
2. The Cutlers' Company shall enter in the Sheffield register, in respect of cutlery, edge tools, or raw steel, and the goods mentioned in the next sub-section, all the trade marks entered before the commencement of this Act, in respect of cutlery, edge tools, or raw steel, and such goods in the register established under the Trade Marks Registration Act, 1875, belonging to persons carrying on business in Hallamshire, or within six miles thereof, and shall also enter in such register, in respect of the same goods, all the trade marks which shall have been assigned by the Cutlers' Company, and actually used before the commencement of this Act, but which have not been entered in the register established under the Trade Marks Registration Act, 1875.

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Trade
Marks.**

- (3.) An application for registration of a trade mark used on cutlery, edge tools, or on raw steel, or on goods made of steel, or of steel and iron combined, whether with or without a cutting edge, shall, if made after the commencement of this Act by a person carrying on business in Hallamshire, or within six miles thereof, be made to the Cutlers' Company :
- (4.) Every application so made to the Cutlers' Company shall be notified to the comptroller in the prescribed manner, and unless the comptroller within the prescribed time gives notice to the Cutlers' Company that he objects to the acceptance of the application, it shall be proceeded with by the Cutlers' Company in the prescribed manner :
- (5.) If the comptroller gives notice of objection as aforesaid, the application shall not be proceeded with by the Cutlers' Company, but any person aggrieved may appeal to the Court.
- (6.) Upon the registration of a trade mark in the Sheffield register the Cutlers' Company shall give notice thereof to the comptroller, who shall thereupon enter the mark in the register of trade

marks ; and such registration shall bear date as of the day of application to the Cutlers' Company, and have the same effect as if the application had been made to the comptroller on that day :

- (7.) The provisions of this Act, and of any general rules made under this Act, with respect to application for registration in the register of trade marks, the effect of such registration, and the assignment and transmission of rights in a registered trade mark shall apply in the case of applications and registration in the Sheffield register ; and notice of every entry made in the Sheffield register must be given to the comptroller by the Cutlers' Company, save and except that the provisions of this sub-section shall not prejudice or affect any life, estate, and interest of a widow of the holder of any Sheffield mark which may be in force in respect of such mark at the time when it shall be placed upon the Sheffield register :
- (8.) Where the comptroller receives from any person not carrying on business in Hallamshire or within six miles thereof an application for registration of a trade mark used on cutlery, edge tools, or on raw steel, or on goods made of steel, or

**Part IV.
Trade
Marks.**

of steel and iron combined, whether with or without a cutting edge, he shall in the prescribed manner notify the application and proceedings thereon to the Cutlers' Company :

- (9.) At the expiration of five years from the commencement of this Act the Cutlers' Company shall close the Cutlers' register of corporate trade marks, and thereupon all marks entered therein shall, unless entered in the Sheffield register, be deemed to have been abandoned :
- (10.) A person may (notwithstanding anything in any Act relating to the Cutlers' Company) be registered in the Sheffield register as proprietor of two or more trade marks :
- (11.) A body of persons, corporate or not corporate, may (notwithstanding anything in any Act relating to the Cutlers' Company) be registered in the Sheffield register as proprietor of a trade mark or trade marks :
- (12.) Any person aggrieved by a decision of the Cutlers' Company in respect of anything done or omitted under this Act may, in the prescribed manner, appeal to the comptroller, who shall have power to confirm, reverse or modify

the decision, but the decision of the comptroller shall be subject to a further appeal to the Court :

**Part IV.
Trade
Marks.**

- (13.) So much of the Cutlers' Company's Acts as applies to the summary punishment of persons counterfeiting Sheffield corporate marks, that is to say, the fifth section of the Cutlers' Company's Act of 1814, and the provisions in relation to the recovery and application of the penalty imposed by such last-mentioned section contained in the Cutlers' Company's Act of 1791, shall apply to any mark entered in the Sheffield register.

PART V.

GENERAL.

**Part V.
General.**

Patent Office and Proceedings thereat.

82. (1.) The Treasury may provide for the purposes of this Act an office with all requisite buildings and conveniences, which shall be called, and is in this Act referred to as, the Patent Office.

(2.) Until a new patent office is provided, the offices¹ of the Commissioners of Patents

¹ These offices are at 25, Southampton Buildings, Chancery Lane, London, W.C.

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General.
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for inventions and for the registration of designs and trade marks existing at the commencement of this Act, shall be the Patent Office within the meaning of this Act.

(3.) The Patent Office shall be under the immediate control of an officer called the comptroller general of patents, designs, and trade marks, who shall act under the superintendence and direction of the Board of Trade.

(4.) Any act or thing directed to be done by or to the comptroller may, in his absence, be done by or to any officer for the time being in that behalf authorised by the Board of Trade.

**Officers and
clerks.**

83. (1.) The Board of Trade may at any time after the passing of this Act, and from time to time, subject to the approval of the Treasury, appoint the comptroller-general of patents, designs, and trade marks, and so many examiners and other officers and clerks, with such designations and duties as the Board of Trade think fit, and may from time to time remove any of those officers and clerks.

(2.) The salaries of those officers and clerks shall be appointed by the Board of Trade, with the concurrence of the Treasury, and the same and the other expenses of the execution of this Act shall be paid out of money provided by Parliament.

84. There shall be a seal for the Patent Office, and impressions thereof shall be judicially noticed and admitted in evidence.

Seal of
Patent
Office.

85. There shall not be entered in any register kept under this Act, or be receivable by the comptroller, any notice of any trust, expressed, implied or constructive.

Trust not to
be entered in
registers.

86. The comptroller may refuse¹ to grant a patent for an invention, or to register a design or trade mark of which the use would, in his opinion, be contrary to law or morality.

Refusal to
grant patent,
&c., in cer-
tain cases.

87. Where a person becomes entitled by assignment, transmission, or other operation of law, to a patent, or to the copyright in a registered design, or to a registered trade mark, the comptroller shall on request, and on proof of title to his satisfaction, cause the name of such person to be entered as proprietor of the patent, copyright in the design, or trade mark, in the register of patents, designs, or trade marks, as the case may be. The person for the time being entered in the register of patents, designs or trade marks, as proprietor of a patent, copyright in a design or trade mark, as the case may be, shall, subject to any rights appearing from such register to be vested in any other person, have power absolutely to assign, grant licences as to, or

Entry of
assignments
and trans-
missions in
registers.

¹ There does not appear to be any appeal from such a refusal.

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General.**

otherwise deal with the same, and to give effectual receipts for any consideration for such assignment, licence, or dealing. Provided, that any equities in respect of such patent, design, or trade mark may be enforced in like manner as in respect of any other personal property.

Inspection
of and ex-
tracts from
registers.

88. Every register kept under this Act shall at all convenient times be open to the inspection of the public, subject to such regulations as may be prescribed; and certified copies, sealed with the seal of the Patent Office, of any entry in any such register, shall be given to any person requiring the same on payment of the prescribed fee.

Sealed copies
to be re-
ceived in
evidence.

89. Printed or written copies or extracts, purporting to be certified by the comptroller and sealed with the seal of the Patent Office, of or from patents, specifications, disclaimers and other documents in the Patent Office, and of or from registers and other books kept there, shall be admitted in evidence in all Courts in Her Majesty's dominions, and in all proceedings, without further proof or production of the originals.

Rectification
of registers
by Court.

90. (1.) The Court may on the application of any person aggrieved by the omission without sufficient cause of the name of any person from any register kept under this Act, or by any entry made without sufficient cause in any such

register, make such order for making, expunging or varying the entry, as the Court thinks fit; or the Court may refuse the application; and in either case may make such order with respect to the costs of the proceedings as the Court thinks fit.

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General.

(2.) The Court may in any proceeding under this section decide any question that it may be necessary or expedient to decide for the rectification of a register, and may direct an issue to be tried for the decision of any question of fact, and may award damages to the party aggrieved.

(3.) Any order of the Court rectifying a register shall direct that due notice of the rectification be given to the comptroller.

91. The comptroller may, on request in writing, accompanied by the prescribed fee—

Power for
comptroller
to correct
clerical
errors.

- (a.) Correct any clerical error in or in connection with an application for a patent, or for registration of a design or trade mark; or
- (b.) Correct any clerical error in the name, style or address of the registered proprietor of a patent, design, or trade mark.
- (c.) Cancel the entry or part of the entry of a trade mark on the register: Provided, that the applicant accompanies his request by a statutory declaration

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General.

made by himself, stating his name, address, and calling, and that he is the person whose name appears on the register as the proprietor of the said trade mark.

**Alteration of
registered
mark.**

92. (1.) The registered proprietor of any registered trade mark may apply to the Court for leave to add to or alter such mark in any particular, not being an essential particular within the meaning of this Act, and the Court may refuse or grant leave on such terms as it may think fit.

(2.) Notice of any intended application to the Court under this section shall be given to the comptroller by the applicant; and the comptroller shall be entitled to be heard on the application.

(3.) If the Court grants leave, the comptroller shall, on proof thereof and on payment of the prescribed fee, cause the register to be altered in conformity with the order of leave.

**Falsification
of entries in
registers.**

93. If any person makes or causes to be made a false entry in any register kept under this Act, or a writing falsely purporting to be a copy of an entry in any such register, or produces or tenders, or causes to be produced or tendered in evidence, any such writing, knowing the entry or writing to be false, he shall be guilty of a misdemeanour.

94. Where any discretionary power is by this Act given to the comptroller, he shall not exercise that power adversely to the applicant for a patent, or for amendment of a specification, or for registration of a trade mark or design, without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard personally or by his agent.

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General.**

Exercise of discretionary power by comptroller.

95. The comptroller may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Act, apply to either of the law officers for directions in the matter.

Power of comptroller to take directions of law officers.

96. A certificate purporting to be under the hand of the comptroller as to any entry, matter, or thing which he is authorised by this Act, or any general rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

Certificate of comptroller to be evidence.

97. (1.) Any application, notice, or other document authorised or required to be left, made, or given at the Patent Office or to the comptroller, or to any other person under this Act, may be sent by a prepaid letter through the post, and if so sent shall be deemed to have been left, made, or given respectively at the time when the letter containing the same

Applications and notices by post.

**Part V.
General.**

would be delivered in the ordinary course of post.

(2.) In proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

Provision
as to days
for leaving
documents at
office.

98. Whenever the last day fixed by this Act, or by any rule for the time being in force, for leaving any document or paying any fee at the Patent Office, shall fall on Christmas Day, Good Friday, or on a Saturday or Sunday, or any day observed as a holiday at the Bank of England, or any day observed as a day of public fast or thanksgiving, herein referred to as excluded days, it shall be lawful to leave such document, or to pay such fee on the day next following such excluded day or days if two or more of them occur consecutively.

Declaration
by infant,
lunatic, &c.

99. If any person is, by reason of infancy, lunacy, or other inability, incapable of making any declaration or doing anything required or permitted by this Act or by any rules made under the authority of this Act, then the guardian or committee (if any) of such incapable person, or if there be none, any person appointed by any Court or Judge possessing jurisdiction in respect of the property of incapable persons, upon the petition of any person on behalf of such incapable person, or of any other person interested in the making such declaration or doing such thing, may

make such declaration or a declaration as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of such incapable person, and all acts done by such substitute shall for the purposes of this Act be as effectual as if done by the person for whom he is substituted.

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General.**

100. Copies of all specifications, drawings, and amendments left at the Patent Office after the commencement of this act, printed for and sealed with the seal of the Patent Office, shall be transmitted to the Edinburgh Museum of Science and Art, and to the Enrolments Office of the Chancery Division in Ireland, and to the Rolls Office in the Isle of Man, within 21 days after the same shall respectively have been accepted or allowed at the Patent Office; and certified copies of or extracts from any such documents shall be given to any person requiring the same on payment of the prescribed fee; and any such copy or extract shall be admitted in evidence in all Courts in Scotland and Ireland and in the Isle of Man without further proof or production of the originals.

Transmission
of certified
printed copies
of specifica-
tions, &c.

101. (1.) The Board of Trade may from time to time make such general rules and do such things as they think expedient, subject to the provisions of this Act:—

Power for
Board of Trade
to make
general rules
for classifying
goods and
regulating
business of
Patent Office.

(a.) For regulating the practice of registration under this Act:

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General.**
—

- (b.) For classifying goods for the purposes of designs and trade marks :
 - (c.) For making or requiring duplicates of specifications, amendment, drawings, and other documents :
 - (d.) For securing and regulating the publishing and selling of copies, at such prices and in such manner as the Board of Trade think fit, of specifications, drawings, amendments, and other documents :
 - (e.) For securing and regulating the making, printing, publishing and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office; and providing for the inspection of indexes and abridgments and other documents :
 - (f.) For regulating (with the approval of the Treasury) the presentation of copies of Patent Office publications to patentees and to public authorities, bodies, and institutions at home and abroad :
 - (g.) Generally for regulating the business of the Patent Office, and all things by this Act placed under the direction or control of the comptroller, or of the Board of Trade.
- (2.) Any of the forms in the First Schedule

to this Act may be altered or amended by rules made by the Board as aforesaid.

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General.

(3.) General rules may be made under this section at any time after the passing of this Act, but not so as to take effect before the commencement of this Act, and shall (subject as hereinafter mentioned) be of the same effect as if they were contained in this Act, and shall be judicially noticed.

(4.) Any rules made in pursuance of this section shall be laid before both Houses of Parliament, if Parliament be in session at the time of making thereof, or, if not, then as soon as practicable after the beginning of the then next session of Parliament, and they shall also be advertised twice in the official journal to be issued by the comptroller.

(5.) If either House of Parliament, within the next 40 days after any rules have been so laid before such House, resolve that such rules or any of them ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such rules or rule, or to the making of any new rules or rule.

102. The comptroller shall, before the first day of June in every year, cause a report respecting the execution by or under him of this Act to be laid before both Houses of

Annual
reports of
comptroller.

**Part V.
General.**

Parliament, and therein shall include for the year to which each report relates all general rules made in that year under or for the purposes of this Act, and an account of all fees, salaries, and allowances, and other money received and paid under this Act.

International and Colonial Arrangements.

International
arrangements
for protection
of inventions,
designs, and
trade marks.

103. (1.) If Her Majesty is pleased to make any arrangement with the government or governments of any foreign State or States for mutual protection of inventions, designs and trade marks, or any of them, then any person who has applied for protection for any invention, design, or trade mark in any such State, shall be entitled to a patent for his invention or to registration of his design or trade mark (as the case may be) under this Act, in priority to other applicants; and such patent or registration shall have the same date as the date of the protection obtained in such foreign state.

Provided, that his application is made, in the case of a patent, within seven months, and in the case of a design or trade mark, within four months from his applying for protection in the foreign State with which the arrangement is in force.

Provided, that nothing in this section contained shall entitle the patentee or proprietor

of the design or trade mark to recover damages for infringements happening prior to the date of the actual acceptance of his complete specification, or the actual registration of his design or trade mark in this country, as the case may be.

(2.) The publication in the United Kingdom, or the Isle of Man, during the respective periods aforesaid of any description of the invention, or the use therein during such periods of the invention, or the exhibition or use therein during such periods of the design, or the publication therein during such periods of a description or representation of the design, or the use therein during such periods of the trade mark, shall not invalidate the patent which may be granted for the invention, or the registration of the design or trade mark :

(3.) The application for the grant of a patent, or the registration of a design, or the registration of a trade mark under this section, must be made in the same manner as an ordinary application under this Act : Provided that, in the case of trade marks, any trade mark the registration of which has been duly applied for in the country of origin may be registered under this Act :

(4.) The provisions of this section shall apply only in the case of those foreign States with respect to which Her Majesty shall from

**Part V.
General.**

time to time by Order in Council declare them to be applicable, and so long only in the case of each State as the Order in Council shall continue in force with respect to that State.

Provision for
colonies and
India.

104. (1.) Where it is made to appear to Her Majesty that the legislature of any British possession has made satisfactory provision for the protection of inventions, designs and trade marks, patented or registered in this country, it shall be lawful for Her Majesty from time to time, by Order in Council, to apply the provisions of the last preceding section, with such variations or additions, if any, as to Her Majesty in Council may seem fit, to such British possession.

(2.) An Order in Council under this Act shall, from a date to be mentioned for the purpose in the Order, take effect as if its provisions had been contained in this Act; but it shall be lawful for Her Majesty in Council to revoke any Order in Council made under this Act.

Offences.

Penalty on
falsely repre-
senting articles
to be patented.

105. (1.) Any person who represents that any article sold by him is a patented article, when no patent has been granted for the same, or describes any design or trade mark applied to any article sold by him as registered which is not so, shall be liable for every offence, on

summary conviction, to a fine not exceeding five pounds.

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General.**

(2.) A person shall be deemed, for the purposes of this enactment, to represent that an article is patented, or a design or a trade mark is registered, if he sells the article with the word “patent,” “patented,” “registered,” or any word or words expressing or implying that a patent or registration has been obtained for the article stamped, engraved, or impressed on, or otherwise applied to the article.

106. Any person who, without the authority of Her Majesty, or any of the Royal Family, or of any Government Department, assumes or uses in connection with any trade, business, calling or profession, the Royal arms, or arms so nearly resembling the same as to be calculated to deceive, in such a manner as to be calculated to lead other persons to believe that he is carrying on his trade, business, calling, or profession by or under such authority as aforesaid, shall be liable on summary conviction to a fine not exceeding twenty pounds.¹

Penalty on
unauthorised
assumption of
Royal arms.

Scotland, Ireland, &c.

107. In any action for infringement of a patent in Scotland the provisions of this Act,

Saving for
Courts in
Scotland.

¹ This section is of very doubtful value, and may give rise to very vexatious litigation.

110 *Patents, Designs and Trade Marks Act, 1883.*

Part V.
General.

with respect to calling in the aid of an assessor, shall apply, and the action shall be tried without a jury, unless the Court shall otherwise direct, but otherwise, nothing shall affect the jurisdiction and forms of process of the Courts in Scotland in such an action, or in any action or proceeding respecting a patent hitherto competent to those Courts.

For the purposes of this section "Court of Appeal" shall mean any Court to which such action is appealed.

**Summary
proceedings in
Scotland.**

108. In Scotland any offence under this Act declared to be punishable on summary conviction may be prosecuted in the Sheriff Court.

**Proceedings
for revocation
of patent in
Scotland.**

109. (1.) Proceedings in Scotland for revocation of a patent shall be in the form of an action of reduction at the instance of the Lord Advocate, or at the instance of a party having interest, with his concurrence, which concurrence may be given on just cause shown only.

(2.) Service of all writs and summonses in that action shall be made according to the forms and practice existing at the commencement of this Act.

**Reservation of
remedies in
Ireland.**

110. All parties shall, notwithstanding anything in this Act, have in Ireland their remedies under or in respect of a patent as if the same had been granted to extend to Ireland only.

111. (1.) The provisions of this Act conferring a special jurisdiction on the Court as defined by this Act, shall not, except so far as the jurisdiction extends, affect the jurisdiction of any Court in Scotland or Ireland in any proceedings relating to patents, or to designs, or to trade marks; and with reference to any such proceedings in Scotland, the term "the Court" shall mean any Lord Ordinary of the Court of Session, and the term "Court of Appeal" shall mean either Division of the said Court; and with reference to any such proceedings in Ireland, the terms "the Court" and "the Court of Appeal" respectively mean the High Court of Justice in Ireland and Her Majesty's Court of Appeal in Ireland.

**Part V.
General.**
General saving
for jurisdiction
of Courts.

(2.) If any rectification of a register under this Act is required in pursuance of any proceeding in a Court in Scotland or Ireland, a copy of the order, decree, or other authority for the rectification, shall be served on the comptroller, and he shall rectify the register accordingly.

112. This Act shall extend to the Isle of Man, and

(1.) Nothing in this Act shall affect the jurisdiction of the Courts in the Isle of Man, in proceedings for infringement or in any action or proceeding respecting

**Part V.
General.**

a patent, design, or trade mark competent to those Courts ;

- (2.) The punishment for a misdemeanour under this Act, in the Isle of Man, shall be imprisonment for any term not exceeding two years, with or without hard labour, and with or without a fine not exceeding one hundred pounds, at the discretion of the Court ;
- (3.) Any offence under this Act committed in the Isle of Man which would in England be punishable on summary conviction may be prosecuted, and any fine in respect thereof recovered at the instance of any person aggrieved, in the manner in which offences punishable on summary conviction may for the time being be prosecuted.

Repeal ; Transitional Provisions ; Savings.

Repeal and saving for past operation of repealed enactments, &c.

113. The enactments described in the third schedule to this Act are hereby repealed.¹ But this repeal of enactments shall not—

- (a.) Affect the past operation of any of those enactments, or any patent or copyright, or right to use a trade mark granted or acquired, or application pending, or appointment made, or compensation granted, or order or direction made or

¹ See sec. 45 of the Act, and note thereto.

given, or right, privilege, obligation, or liability acquired, accrued, or incurred, or anything duly done or suffered under or by any of those enactments before or at the commencement of this Act; or

Part V.
General.

- (b.) Interfere with the institution or prosecution of any action or proceeding, civil or criminal, in respect thereof, and any such proceeding may be carried on as if this Act had not been passed; or
- (c.) Take away or abridge any protection or benefit in relation to any such action or proceeding.

114. (1.) The registers of patents and of proprietors kept under any enactment repealed by this Act shall respectively be deemed parts of the same book as the register of patents kept under this Act.

Former registers to be deemed continued.

(2.) The registers of designs and of trade marks kept under any enactment repealed by this Act shall respectively be deemed parts of the same book as the register of designs and the register of trade marks kept under this Act.

115. All general rules made by the Lord Chancellor or by any other authority under any enactment repealed by this Act, and in force at the commencement of this Act, may at any time after the passing of this Act be repealed, altered or amended by the Board of

Saving for existing rules.

**Part V.
General.**

Trade, as if they had been made by the Board under this Act, but so that no such repeal, alteration, or amendment shall take effect before the commencement of this Act; and, subject as aforesaid, such general rules shall, so far as they are consistent with and are not superseded by this Act, continue in force as if they had been made by the Board of Trade under this Act.

**Saving for
prerogative.**

116. Nothing in this Act shall take away, abridge, or prejudicially affect the prerogative of the Crown in relation to the granting of any letters patent, or to the withholding of a grant thereof.

General Definitions.

**General
definitions.**

117. (1.) In and for the purposes of this Act, unless the context otherwise requires:—

“ Person ” includes a body corporate;

“ The Court ” means (subject to the provisions for Scotland, Ireland, and the Isle of Man) Her Majesty’s High Court of Justice in England;

“ Law Officer ” means Her Majesty’s Attorney-General, or Solicitor-General for England;

“ The Treasury ” means the Commissioners of Her Majesty’s Treasury;

“ The Comptroller ” means the Comptroller General of Patents, Designs and Trade Marks;

“Prescribed” means prescribed by any of the Schedules to this Act, or by general rules under or within the meaning of this Act ;

Part V.
General.

“British possession” means any territory or place situate within Her Majesty’s dominions, and not being or forming part of the United Kingdom, or of the Channel Islands, or of the Isle of Man, and all territories and places under one legislature, as hereinafter defined, are deemed to be one British possession for the purposes of this Act :

“Legislature” includes any person or persons who exercise legislative authority in the British possessions ; and where there are local legislatures as well as a central legislature, means the central legislature only.

In the application of this Act to Ireland, “summary conviction” means a conviction under the Summary Jurisdiction Acts, that is to say, with reference to the Dublin Metropolitan Police District, the Acts regulating the duties of justices of the peace and of the police for such district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act amending it.

SCHEDULES.

First
Schedule.
—

THE FIRST SCHEDULE.

FORMS OF APPLICATION, &c.

FORM A.

£1
Stamp.

FORM OF APPLICATION FOR PATENT.

Section 5.

I, (a) *John Smith*, of 29, *Perry Street*,
Birmingham, in the county of *Warwick*,
Engineer, do solemnly and sincerely declare
that I am in possession of an invention for (b)
“*Improvements in Sewing Machines* ;” that
I am the true and first inventor thereof ; and
that the same is not in use by any other per-
son or persons to the best of my knowledge
and belief ; and I humbly pray that a patent
may be granted to me for the said invention.

(a) Here insert
name, address
and calling of
inventor.

(b) Here insert
title of inven-
tion.

And I make the above solemn declaration
conscientiously believing the same to be true,

First
Schedule.

and by virtue of the provisions of the Statutory Declarations Act, 1835.

(c) Signature
of inventor.

(c) *John Smith.*

Declared at *Birmingham*, in the county of
Warwick, this day of 18 .

Before me,

(d) Signature
and title of the
officer before
whom the
declaration is
made.

(d) *James Adams,*

Justice of the Peace.

NOTE.—Where the above declaration is made out of the United Kingdom, the words “and by virtue of the Statutory Declarations Act, 1835,” must be omitted; and the declaration must be made before a British consular officer, or where it is not reasonably practicable to make it before such officer, then before a public officer duly authorised in that behalf.

FORM B.

FORM OF PROVISIONAL SPECIFICATION.

(a) Here insert
title as in
declaration.

Improvements in Sewing Machines. (a)

(b) Here insert
name, address
and calling of
inventor as in
declaration.

I, (b) *John Smith*, of 29, *Perry Street*,
Birmingham, in the county of *Warwick*,
Engineer, do hereby declare the nature of
my invention for “*Improvements in Sewing
Machines*,” to be as follows (c) :—

(c) Here insert
short descrip-
tion of inven-
tion.

* * * * *

(d) Signature
of inventor.

(d) *John Smith.*

Dated this day of 18 .

NOTE.—No stamp is required on this document.

FORM C.

FORM OF COMPLETE SPECIFICATION.

£3
Stamp.*Improvements in Sewing Machines. (a.)*

I, (b) *John Smith*, of 29, *Perry, Street*,
Birmingham, in the County of *Warwick*,
Engineer, do hereby declare the nature of
my invention for "*Improvements in Sewing
Machines*," and in what manner the same is to
be performed, to be particularly described and
ascertained in and by the following state-
ment (c) :—

(a) Here insert
title, as in de-
claration.(b) Here insert
name, address,
and calling of
inventor, as in
declaration.(c) Here insert
full description
of invention.

* * * *

Having now particularly described and
ascertained the nature of my said invention
and in what manner the same is to be per-
formed, I declare that what I claim is (d).

(d) Here state
distinctly the
features of
novelty
claimed.

1.

2.

3. &c.

(e) *John Smith.*(e) Signature
of inventor.

Dated this day of 18 .

FORM D.

Section 33

FORM OF PATENT.

VICTORIA, by the grace of God, of the
United Kingdom of Great Britain and Ireland,
Queen, Defender of the Faith: To all to whom
these presents shall come greeting:

First
Schedule.

Whereas, *John Smith*, of 29, *Perry Street*, *Birmingham* in the county of *Warwick*, *Engineer*, hath by his solemn declaration represented unto us that he is in possession of an invention for “*Improvements in Sewing Machines*,” that he is the true and first inventor thereof, and that the same is not in use by any other person to the best of his knowledge and belief :

And whereas the said inventor hath humbly prayed that we would be graciously pleased to grant unto him (hereinafter together with his executors, administrators, and assigns, or any of them, referred to as the said patentee) our Royal Letters Patent for the sole use and advantage of his said invention :

And whereas the said inventor hath by and in his complete specification particularly described the nature of his invention¹ :

And whereas we being willing to encourage all inventions which may be for the public good, are graciously pleased to condescend to his request :

Know ye, therefore, that We, of our especial grace, certain knowledge, and mere motion do by these presents, for us, our heirs and suc-

¹ See Introductory Chapter as to this recital, and the omission of the old *express condition* as to complete specification.

cessors, give and grant unto the said patentee our especial licence, full power, sole privilege, and authority, that the said patentee by himself, his agents, or licensees, and no others, may at all times hereafter during the term of years herein mentioned, make, use, exercise, and vend the said invention within our United Kingdom of Great Britain and Ireland, and Isle of Man, in such manner as to him or them may seem meet, and that the said patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention, during the term of fourteen years from the date hereunder written of these presents: And to the end that the said patentee may have and enjoy the sole use and exercise and the full benefit of the said invention, We do by these presents for us our heirs and successors, strictly command all our subjects whatsoever within our United Kingdom of Great Britain and Ireland, and the Isle of Man, that they do not at any time during the continuance of the said term of fourteen years, either directly or indirectly, make use of or put in practice the said invention, or any part of the same, nor in anywise imitate the same, nor make or cause to be made any addition thereto or subtraction therefrom, whereby to pretend themselves the inventors thereof, without the consent, licence or agree-

**First
Schedule.**
—

ment of the said patentee in writing under his hand and seal, on pain of incurring such penalties as may be justly inflicted on such offenders for their contempt of this our Royal command, and of being answerable to the patentee according to law for his damages thereby occasioned: Provided that these our letters patent are on this condition, that, if at any time during the said term it be made to appear to us, our heirs, or successors, or any six or more of our Privy Council, that this our grant is contrary to law, or prejudicial or inconvenient to our subjects in general, or that the said invention is not a new invention as to the public use and exercise thereof within our United Kingdom of Great Britain and Ireland, and Isle of Man, or that the said patentee is not the first and true inventor thereof within this realm as aforesaid, these our letters patent shall forthwith determine, and be void to all intents and purposes, notwithstanding anything hereinbefore contained: Provided also, that if the said patentee shall not pay all fees by law required to be paid in respect of the grant of these letters patent, or in respect of any matter relating thereto at the time or times, and in manner for the time being by law provided; and also if the said patentee shall not supply or cause to be supplied, for our service all such articles of the

said invention as may be required by the officers or commissioners administering any department of our service in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled in manner for the time being by law provided, then, and in any of the said cases, these our letters patent, and all privileges and advantages whatever hereby granted shall determine and become void, notwithstanding anything hereinbefore contained: Provided also that nothing herein contained shall prevent the granting of licences in such manner and for such considerations as they may by law be granted: And lastly, we do by these presents for us, our heirs and successors, grant unto the said patentee that these our letters patent shall be construed in the most beneficial sense for the advantage of the said patentee. In witness whereof we have caused these our letters to be made patent this

One thousand eight hundred
and and to be sealed as of the
One thousand eight hundred and



124 *Patents, Designs and Trade Marks Act, 1883.*

**First
Schedule.**

Section 47.

FORM E.

**FORM OF APPLICATION FOR REGISTRATION
OF DESIGN.**

_____ day of _____ 18 .

You are hereby requested to register the
accompanying _____ Design, in Class _____

(a) Here insert
legibly the
name and
address of the
individual or
firm.

in the name of (a) _____
of _____

who claims to be the Proprietor thereof, and
to return the same to _____

Statement of nature of Design _____

Registration Fees enclosed £ , s.

To the Comptroller,

Patent Office,

25, *Southampton Buildings,*

Chancery Lane, W.C.

(Signed) _____

FORM F.

First
Schedule.FORM OF APPLICATION FOR REGISTRATION OF
TRADE MARK.

Section 62.

(One representation to be fixed within this square, and two others on separate sheets of foolscap of same size).

(Representations of a larger size may be folded, but must be mounted upon linen and affixed hereto).

You are hereby requested to register the accompanying trade mark, [*In Class — Iron in bars, sheets, and plates; in Class — Steam engines and boilers; and in Class — Warming Apparatus*], in the name of (a) _____, who claims to be the proprietor thereof.

(a) Here insert legibly the name, address and business of the individual or firm.

Registration Fees enclosed £ ,, s.

To the Comptroller,

Patent Office,

25, Southampton Buildings,

Chancery Lane, W.C.

(Signed)_____

NOTE.—If the trade mark has been in use before August, 13, 1875, state length of user.

THE SECOND SCHEDULE.**Section 24.***Fees on instruments for obtaining Patents,
and Renewal.**(a.) Up to sealing.*

	£	s.	d.	£	s.	d.
On application for provisional protection	1	0	0			
On filing complete specification... ..	3	0	0			
				4	0	0
<i>or</i>						
On filing complete specification with 1st application	4	0	0			

*(b.) Further before end of four years from date
of patent.*

On certificate of renewal	50	0	0
----------------------------------	----	---	---

*(c.) Further before end of seven years, or in the
case of patents granted after the commence-
ment of this Act, before the end of eight years
from date of patent.*

On certificate of renewal	100	0	0
----------------------------------	-----	---	---

*Or in lieu of fees of £50 and £100 the following
annual fees :—*

Before the expiration of the 4th year from date of	}	10	0	0
the patent				
“ “ 5th “ “		10	0	0
“ “ 6th “ “		10	0	0
“ “ 7th “ “		10	0	0
“ “ 8th “ “		15	0	0
“ “ 9th “ “		15	0	0
“ “ 10th “ “		20	0	0
“ “ 11th “ “		20	0	0
“ “ 12th “ “		20	0	0
“ “ 13th “ “		20	0	0

THE THIRD SCHEDULE.

Third
Schedule.*Enactments Repealed.*

Section 113.

21 James I. c. 3. [1623.]	The Statute of Monopolies. In part; namely,— Sections 10, 11 and 12.
5 & 6 Will. IV. c. 62. [1835.] In part.	The Statutory Declarations Act, 1835. In part; namely,— Section 11.
5 & 6 Will. IV. c. 83. [1835.]	An Act to amend the law touching letters patent for inventions.
2 & 3 Vic. c. 67. [1839.]	An Act to amend an Act of the 5th and 6th years of the reign of King William IV., intituled “An Act to “amend the law touching letters “patent for inventions.”
5 & 6 Vic. c. 100. [1842.]	An Act to consolidate and amend the laws relating to the copyright of designs for ornamenting articles of manufacture.
6 & 7 Vic. c. 65. [1843.]	An Act to amend the laws relating to the copyright of designs.
7 & 8 Vic. c. 69. (a) [1844.] In part.	An Act for amending an Act passed in the 4th year of the reign of His late Majesty, intituled “An Act for “the better administration of justice “in His Majesty’s Privy Council, “and to extend its jurisdiction and “powers.” In part; namely,— Sections 2 to 5, both included.
13 & 14 Vic. c. 104. [1850.]	An Act to extend and amend the Acts relating to the copyright of designs.
15 & 16 Vic. c. 83. [1852.]	The Patent Law Amendment Act, 1852.
16 & 17 Vic. c. 5. [1853.]	An Act to substitute stamp duties for fees on passing letters patent for inventions, and to provide for the purchase for the public use of certain indexes of specifications.

(a) NOTE.—Sections 6 and 7 of this Act are repealed by the
Statute Law Revision (No. 2) Act, 1874.

128 *Patents, Designs and Trade Marks Act, 1883.*

**Third
Schedule.**

16 & 17 Vic. c. 115. [1853.]	An Act to amend certain provisions of the Patent Law Amendment Act, 1852, in respect of the transmission of certified copies of letters patent and specifications to certain offices in Edinburgh and Dublin, and otherwise to amend the said Act.
21 & 22 Vic. c. 70. [1858.]	An Act to amend the Act of the 5th and 6th years of Her present Majesty, to consolidate and amend the laws relating to the copyright of designs for ornamenting articles of manufacture.
22 Vic. c. 13. [1859.]	An Act to amend the law concerning patents for inventions with respect to inventions for improvements in instruments and munitions of war.
24 & 25 Vic. c. 73. [1861.]	An Act to amend the law relating to the copyright of designs.
28 & 29 Vic. c. 3. [1865.]	The Industrial Exhibitions Act, 1865.
33 & 34 Vic. c. 27. [1870.]	The Protection of Inventions Act, 1870.
33 & 34 Vic. c. 97. [1870.]	The Stamp Act, 1870. In part; namely,— Section 65, and in the schedule the words and figures. “Certificate of the registration of a design...£5 0 0. And <i>see</i> s. 65.”
38 & 39 Vic. c. 91. [1875.]	The Trade Marks Registration Act, 1875.
38 & 39 Vic. c. 93. [1875.]	The Copyright of Designs Act, 1875.
39 & 40 Vic. c. 33. [1876.]	The Trade Marks Registration Amendment Act, 1876.
40 & 41 Vic. c. 37. [1877.]	The Trade Marks Registration Extension Act, 1877.
43 & 44 Vic. c. 10. [1880.]	The Great Seal Act, 1880. In part; namely,— Section 5.
45 & 46 Vic. c. 72. [1882.]	The Revenue, Friendly Societies, and National Debt Act, 1882. In part; namely,— Section 16.

The following notice is copied from the "Commissioners of Patents' Journal," October 23rd, 1883 :—

THE NEW PATENT LAW.

With the object of affording information to the public until the new Rules under the Act are completed, the following notice was issued by direction of the Board of Trade :—

NOTICE.

1. Applications and all other documents will be required upon strong wide-ruled fools-cap paper (written or printed on one side only), having a margin of two inches on the left-hand part thereof. The use of parchment will be discontinued. Copies of specifications will no longer be required.

2. The sizes of the drawings will remain unchanged, but they will be required upon drawing paper instead of on parchment. A copy of the drawings will be required upon thin Bristol Board.

3. Forms of application (stamped) will be placed on sale at the chief post-offices in the United Kingdom.

4. The forms required for an application will be—(a), for provisional protection: Application form and form of provisional specification ;

(b), for complete protection: Application form and form of complete specification. Where a complete specification is not left in the first instance, it may be left at any time within nine months after application for provisional protection.

5. The fees will be 1*l.* for each stamped form of application, and 3*l.* for each stamped form of complete specification. No fee will be charged for the form for provisional specification.

6. Applications may be left at the Patent Office or sent by post. If sent by post, they must be addressed to the Comptroller, Patent Office.

7. The "Declaration" in the application form must be made by the inventor or inventors. All other documents may be prepared and signed by agents.

NOTE.—"Applications" for letters patent made during the year 1883 were proceeded with in accordance with the then existing laws and Rules.

H. READER LACK.

Office of Commissioners of Patents,
25, Southampton Buildings,
Chancery Lane.

PATENTS RULES.

By virtue of the provisions of the Patents, Designs and Trade Marks Act, 1883,¹ the Board of Trade do hereby make the following Rules:—

Short Title.

1. These Rules may be cited as the Patents Rules, Short title. 1883.

Commencement.

2. These Rules shall come into operation from and Commence-
ment. immediately after the 31st day of December, 1883.

Interpretation.

3. In the construction of these Rules, any words herein Interpretation. used defined by the said Act shall have the meanings thereby assigned to them respectively.²

Fees.

4. The fees to be paid under the above-mentioned Fees. Act, in addition to the fees mentioned in the Second Schedule thereto, so far as it relates to patents, shall be those specified in the list of fees in the First Schedule to these Rules.

Forms.

5. The Forms A, B, and C in the First Schedule to the Forms
Alterations.

¹See power to make rules, s. 101, sub-sec. 2 and 3 of the Act, pp. 104, 105.

²See pp. 71 and 114.

said Act, shall be altered ¹ or amended by the substitution therefor respectively of the Forms A, A1, B and C in the Second Schedule hereto.

Application.

6. (1.) An application for a patent shall be made either in the Form A or the Form A1 set forth in the Second Schedule hereto, as the case may be.

Specification.

(2.) The Form B in such Schedule of provisional specification and the Form C of complete specification shall respectively be used.

Other forms.

(3.) The remaining forms set forth in such Schedule may, as far as they are applicable, be used in any proceedings under these Rules.

General.

Hours of
business.

7. The Patent Office shall be open to the public every week-day during the hours of ten and four, except on the days and times following:—

Christmas Day.

Good Friday.

The day observed as Her Majesty's birthday.

The days observed as days of public fast or thanksgiving, or as holidays at the Bank of England.

Agency.

8. An application for a patent must be signed by the applicant, but all other communications between the applicant and the Comptroller, and all attendances by the applicant upon the Comptroller may be made by or through an agent duly authorised to the satisfaction of the Comptroller, and if he so require, resident in the United Kingdom.

Statement of
address.

9. The application shall be accompanied by a statement of an address to which all notices, requisitions, and communications of every kind may be made by the Comptroller or by the Board of Trade, and such statement shall thereafter shall be binding upon the applicant unless and until a substituted statement of address shall be furnished by him to the Comptroller. He may in any particular

¹ See power to alter forms, s. 101, sub-sec. 2, p. 104.

case require that the address mentioned in this Rule be in the United Kingdom.

10. All documents and copies of documents sent to or left at the Patent Office, or otherwise furnished to the Comptroller or to the Board of Trade, shall be written or printed in large and legible characters in the English language upon strong wide ruled paper (on one side only), of a size of 13 inches by 8 inches, leaving a margin of two inches on the left-hand part thereof, and the signature of the applicants or agents thereto must be written in a large and legible hand. Duplicate documents shall at any time be left, if required by the Comptroller.

Size, &c., of documents.

11. Before exercising any discretionary power given to the Comptroller by the said Act adversely to the applicant for a patent, or for amendment of a specification, the Comptroller shall give ten days notice, or such longer notice as he may think fit, to the applicant of the time when he may be heard personally or by his agent¹ before the Comptroller.

Exercise of discretionary power by Comptroller.

Notice of hearing.

12. Within five days from the date when such notice would be delivered in the ordinary course of post, or such longer time as the Comptroller may appoint in such notice, the applicant shall notify to the Comptroller whether or not he intends to be heard upon the matter.

Notice by applicant.

13. Whether the applicant desires to be heard or not, the Comptroller may at any time require him to submit a statement in writing within a time to be notified by the Comptroller, or to attend before him and make oral explanations with respect to such matters as the Comptroller may require.²

Comptroller may require statement, &c.

14. The decision or determination of the Comptroller in the exercise of any such discretionary power as aforesaid shall be notified by him to the applicant, and any other person affected thereby.

Decision to be notified to parties.

¹ This would no doubt include a patent agent, or a solicitor of the High Court of Justice or Counsel.

² This gives a very large power to the Comptroller, and it may well be doubted whether this Rule is valid.

Definition of
"applicant."

15. The term "applicant" in Rules 11, 12, and 13 shall include an applicant whose specification bears a title the same as or similar to that of the specification of a prior applicant, and has been reported on by the examiner.

Prior and
second appli-
cant may
attend hearing.

16. Such prior and second applicant respectively may attend the hearing of the question whether the invention comprised in both applications is the same, but neither party shall be at liberty to inspect the specification of the other.¹

Industrial or
International
Exhibitions.

17. Any person desirous of exhibiting an invention at an industrial or international exhibition, or of publishing any description of the invention during the period of the holding of the exhibition, or of using the invention for the purpose of the exhibition in the place where the exhibition is held, shall, after having obtained from the Board of Trade a certificate that the exhibition is an industrial or international one, give to the Comptroller seven days' notice of his intention to exhibit, publish, or use the invention, as the case may be.

For the purpose of identifying the invention in the event of an application for a patent being subsequently made the applicant shall furnish to the Comptroller a brief description of his invention, accompanied, if necessary, by drawings, and such other information as the Comptroller may in each case require.

Power of
amendment, &c.

18. Any document for the amending of which no special provision is made by the said Act may be amended,

¹ Under s. 7, sub-sec. 5, p. 41, it is not clear whether the inquiry by the examiner as to the similarity of two specifications is to be made before the complete specifications are accepted and published, so that they can be seen by both applicants and the question fairly argued. It is very objectionable that examiners in the Patent Office should compare provisional specifications, and still more objectionable that the applicants should have to discuss the question of their identity without either applicant being permitted to see the provisional specification of the other applicant.

² This Rule will probably put an intending exhibitor to considerable trouble and expense, and will probably, practically speaking, render useless the power to exhibit at industrial or international exhibitions without first obtaining a patent.

and any irregularity in procedure, which in the opinion of the Comptroller may be obviated without detriment to the interests of any person, may be corrected, if and on such terms as the Comptroller may think fit.

19. Any application, notice, or other document authorised or required to be left, made, or given at the Patent Office or to the Comptroller, or to any other person under these Rules, may be sent by a prepaid letter through the post, and if so sent shall be deemed to have been left, made, or given respectively at the time when the letter containing the same would be delivered in the ordinary course of post. Document
by post.

In proving such service or sending it shall be sufficient to prove that the letter was properly addressed and put into the post.

20. Affidavits may, except where otherwise prescribed by these Rules, be used as evidence in any proceedings thereunder when sworn to in any of the following ways, viz.:— Affidavits.

- (1.) In the United Kingdom before any person authorised to administer oaths in the Supreme Court of Judicature or before a justice of the peace for the county or place where it is sworn or made.
- (2.) In any place in the British dominions out of the United Kingdom before any Court, Judge, or justice of the peace or any person authorised to administer oaths there in any Court.
- (3.) In any place out of the British dominions before a British minister, or person exercising the functions of a British minister, or a British consul, vice-consul, or other person exercising the functions of a British consul, or a notary public, or before a Judge or magistrate.

21. Where any statutory declaration prescribed by these Rules, or used in any proceedings thereunder, is made out of the United Kingdom, the words, "and by virtue of the Statutory Declarations Act, 1835," must be Statutory
declarations.

omitted, and the declaration shall (unless the context otherwise requires) be made in the manner prescribed in Rule 20, sub-sec. (3).

Application with Provisional or Complete Specification.

Order of
recording
applications.

22. Applications for a patent sent by prepaid letter through the post shall, as far as may be practicable, be opened and numbered in the order in which the letters containing the same have been respectively delivered in the ordinary course of post.

Applications left at the Patent Office otherwise than through the post shall be in like manner numbered in the order of their receipt at the Patent Office.

Application for
separate
patents by way
of amendment.

23. Where a person making application for a patent includes therein by mistake, inadvertence, or otherwise, more than one invention, he may, after the refusal of the Comptroller to accept such application, amend the same so as to apply to one invention only, and may make application for separate patents for each such invention accordingly.

Every such application shall bear the date of the first application, and shall, together therewith, be proceeded with in the manner prescribed by the said Act and by these Rules as if every such application had been originally made on that date for one invention only.

Application by
representative
of deceased
inventor.

24. An application for a patent by the legal representative of a person who has died possessed of an invention shall be accompanied by an official copy of or extract from his will or the letters of administration granted of his estate and effects in proof of the applicant's title as such legal representative.

Notice and
advertisement
of acceptance.

25. On the acceptance of an application with a provisional or complete specification the Comptroller shall give notice thereof to the applicant, and shall advertise such acceptance in the official journal of the Patent Office.

Inspection on
acceptance of
complete spe-
cification.

26. Upon the publication of such advertisement of acceptance in the case of an application with a complete

specification the application and specification or specifications with the drawings (if any) may be inspected at the Patent Office upon payment of the prescribed fee.¹

Application on Communication from Abroad.

27. An application for a patent for an invention communicated from abroad shall be made in the form A1 set forth in the Second Schedule hereto.

Communication from abroad.

Sizes and Methods of Preparing Drawings accompanying Provisional or Complete Specifications.

28. The drawings accompanying provisional or complete specifications shall be made upon half-sheets or sheets of imperial drawing paper, to be within a border line of 19 inches by 12 inches, or 27 inches by 19 inches, with a margin of $\frac{1}{2}$ an inch all round.

Size of drawings.

29. A copy of the drawings will be required upon rolled imperial drawing paper or upon thin Bristol board of the same dimensions as the original drawing or drawings. All the lines must be absolutely black, Indian ink of the best quality to be used, and the same strength or colour of the ink maintained throughout the drawing. Any shading must be in lines clearly and distinctly drawn and as open as is consistent with the required effect. Section lines should not be too closely drawn. No colour must be used for any purpose upon the copy of the drawings. All letters and figures of reference must be bold and distinct. The border line should be one fine line only. The drawings must not be folded, but must be delivered at the Patent Office either in a perfectly flat state or rolled upon a roller so as to be free from creases or breaks.²

Copies of drawings.

30. Where a complete specification is left at the Patent

¹ This Rule is altogether unnecessary, the inspection is provided for by s. 10 of the Act, p. 43, and the fee on inspection by Rule 4.

² As the drawings accompanying the provisional and complete specification respectively are copied at the Patent Office for publication by the process of photo-lithography, this rule must be strictly observed in order that correct copies may be made.

Office after a provisional specification has been accepted the complete specification and drawing or drawings accompanying the same, as well as the copy thereof, must be prepared in accordance with Rules 10, 28 and 29.

Illustrated Journal.

Additional
drawing to be
furnished.

31. Every applicant for the grant of a patent shall, in addition to the drawings to be furnished with his complete specification, furnish ¹ the Comptroller with a drawing illustrative of the feature or features of novelty constituting his invention. Such drawing must be prepared in the manner prescribed for the copy of the original drawing or drawings accompanying the specification, but must not cover a space exceeding 16 square inches. The drawing must be accompanied by a concise explanatory statement on foolscap paper and legibly written or printed.

Opposition to Grants of Patents.

Notice of
opposition.

32. A notice of opposition to the grant of a patent shall state the ground or grounds on which the person giving such notice (hereinafter called the opponent) intends to oppose the grant, and shall be signed by him. Such notice shall state his address for service in the United Kingdom.

Copy for
applicant.

33. On receipt of such notice a copy thereof shall be furnished by the Comptroller to the applicant.

Particulars of
prior patent.

34. Where the ground or one of the grounds of opposition is that the invention has been patented in this country on an application of prior date, the title, number,

¹ It is not stated when this drawing is to be furnished, it is presumed it will not be required until the patent is sealed, and it is open to doubt whether the inventor can be made to furnish drawings at his own expense for the illustrated journal to be published by the Patent Office; the inventor is to be paid for models for the museum, and if he is required to furnish drawings for an official journal he ought to be paid for them. In many cases it would be very difficult, and in some cases quite impossible to comply with this Rule.

and date of the patent granted in such prior application shall be specified in the notice.

35. Within 14 days after the expiration of two months from the date of the advertisement of the acceptance of a complete specification, the opponent shall leave at the Patent Office statutory declarations in support of his opposition, and deliver to the applicant a list thereof.¹

Opponent's
evidence.

36. Within 14 days from the delivery of such list the applicant shall leave at the Patent Office statutory declarations in answer, and deliver to the opponent a list thereof, and within seven days from such delivery the opponent shall leave at the Patent Office his statutory declarations in reply, and deliver to the applicant a list thereof. Such last-mentioned declarations shall be confined to matters strictly in reply.

Applicant's
evidence.

Evidence in
reply.

Copies of the declarations mentioned in this and the last preceding Rule may be obtained either from the Patent Office or from the opposite party.

37. No further evidence shall be left on either side except by leave of the Comptroller upon the written consent of the parties duly notified to him, or by special leave of the Comptroller on application made to him for that purpose.

Closing of
evidence.

38. Either party making such application shall give notice thereof to the opposite party, who shall be entitled to oppose the application.

39. On the completion of the evidence the Comptroller

Notice of
hearing.

¹ There is nothing about this mode of taking evidence in the Act, and it may well be doubted whether this Rule and Rules 36, 37 and 38, are not all invalid. Probably the question will also arise whether getting up "evidence" under the orders can be done by a patent agent, or whether it is not properly the work of a solicitor of the High Court of Justice; there seems, however, no valid reason why patent agents, if they are able, should not prepare "evidence." Parliamentary agents can get up evidence in Parliamentary cases, and as they can do so, it is difficult to assign any sufficient reason why patent agents should not get up evidence in patent cases.

shall appoint a time for the hearing of the case, and shall give to the parties 'seven days' notice at the least of such appointment.

Disallowance
of opposition
in certain cases.

40. On the hearing of the case no opposition shall be allowed in respect of any ground not stated in the notice of opposition, and where the ground or one of the grounds is that the invention has been patented in this country on an application of prior date, the opposition shall not be allowed upon such ground unless the title, number, and date of the patent granted on such prior application shall have been duly specified in the notice of opposition.

Decision to be
notified to
parties.

41. The decision of the Comptroller in the case shall be notified by him to the parties.

Certificates of Payment or Renewal.

Payment of
fees of £50 and
£100 for con-
tinuance of
patent.

42. If a patentee intends at the expiration of the fourth or eighth year from the date of his patent to make the prescribed payment for keeping the same in force, he shall seven days at least before such expiration give notice to the Comptroller of such intention, and shall, before the expiration of such fourth or eighth year, as the case may be, leave at the Patent Office a form of certificate of payment, duly stamped, subject as hereinafter provided, with the prescribed fee of £50 or £100, as the case may be.

As to patents
granted before
commencement
of Act.

43. In the case of patents granted before the commencement of the said Act, the above Rule shall be read as if the words "seventh year" were therein written instead of the words "eighth year."

Payment of
annual fees in
lieu of £50 and
£100.

44. If the patentee intends to pay annual fees in lieu of the above-mentioned fees of £50 and £100, he shall seven days at least before the expiration of the fourth and each succeeding year during the term of the patent, until and inclusive of the thirteenth year thereof, give notice to the Comptroller of such intention, and shall, before the expiration of such respective periods as aforesaid, leave at the Patent Office a form of certificate of payment, duly stamped with the fee prescribed to be paid at such periods respectively.

45. On due compliance with these Rules, and as soon as may be after such respective periods as aforesaid, or any enlargement thereof respectively duly granted, the Comptroller shall give to the patentee a certificate that the prescribed payment has been duly made.

Certificate of payment.

Enlargement of Time.

46. An application for an enlargement of the time for making a prescribed payment shall state in detail the circumstances in which the patentee by accident, mistake, or inadvertence has failed to make such payment, and the Comptroller may require the patentee to substantiate by such proof as he may think necessary the allegations contained in the application for enlargement.

Enlargement of time for payments.

47. The time prescribed by these Rules for doing any act, or taking any proceeding thereunder, may be enlarged by the Comptroller if he think fit, and upon such notice to other parties, and proceedings thereon, and upon such terms, as he may direct.¹

In other cases.

Amendment of Specification.

48. A request for leave to amend a specification shall be signed by the applicant or patentee and accompanied by a copy of the original specification and drawings, showing in red ink the proposed amendment, and shall be advertised by publication of the request and the nature of the proposed amendment in the official journal of the Patent Office, and in such other manner (if any) as the Comptroller may in each case direct.

Request for leave to amend.

Advertisement.

49. A notice of opposition to the amendment shall state the ground or grounds on which the person giving such notice (hereinafter called the opponent) intends to oppose the amendment, and shall be signed by him. Such notice shall state his address for service in the United Kingdom.

Notice of opposition.

¹ It may well be doubted whether this Rule is valid, as it gives to the Comptroller very much larger powers than are given to him by the Act.

Copy for the
applicant.

50. On receipt of such notice a copy thereof shall be furnished by the Comptroller to the applicant or patentee, as the case may be (hereinafter called the applicant).

Opponent's
evidence.

51. Within 14 days after the expiration of one month from the first advertisement of the application for leave to amend, the opponent shall leave at the Patent Office statutory declarations in support of his opposition and deliver to the applicant a list thereof.¹

Further pro-
ceedings.

52. Upon such declarations being left, and such list being delivered, the provisions of Rules 36, 37, 38 and 39 shall apply to the case, and the further proceedings therein shall be regulated in accordance with such provisions as if they were here repeated.

Decision to be
notified to
parties.

53. The decision of the Comptroller in the case shall be notified by him to the parties.

Requirements
thereon.

54. Where leave to amend is given the applicant shall, if the Comptroller so require, and within a time to be limited by him, leave at the Patent Office a new specification and drawings as amended, to be prepared in accordance with Rules 10, 28 and 29.

Leave by Order
of Court.

55. Where a request for leave to amend is made by or in pursuance of an order of the Court or a Judge, an official or verified copy of the order shall be left with the request at the Patent Office.

Advertisement
of amendment.

56. Every amendment of a specification shall be forthwith advertised by the Comptroller in the official journal of the Patent Office, and in such other manner (if any) as the Comptroller may direct.

Compulsory Licences.

Petition for
compulsory
grant of
licences.

57. A petition to the Board of Trade for an order upon a patentee to grant a licence shall show clearly the nature of the petitioner's interest, and the ground or grounds upon which he claims to be entitled to relief, and shall

¹ There is nothing in the Act about this mode of taking evidence, and it may well be doubted whether this Rule and Rules 52 and 36, 37, 38 and 39 are not all invalid.

state in detail the circumstances of the case, the terms upon which he asks that an order may be made, and the purport of such order.

58. The petition and an examined copy thereof shall be left at the Patent Office, accompanied by the affidavits, or statutory declarations, and other documentary evidence (if any) tendered by the petitioner in proof of the alleged default of the patentee.

To be left with evidence at Patent Office.

59. Upon perusing the petition and evidence, unless the Board of Trade shall be of opinion that the order should be at once refused, they may require the petitioner to attend before the Comptroller, or other person or persons appointed by them, to receive his or their directions as to further proceedings upon the petition.

Directions as to further proceedings unless petition refused.

60. If and when a *prima facie* case for relief has been made out to the satisfaction of the Board of Trade, the petitioner shall upon their requisition, and on or before a day to be named by them, deliver to the patentee copies of the petition and of the affidavits or statutory declarations and other documentary evidence (if any) tendered in support thereof.¹

Procedure.

Petitioner's evidence.

61. Within 14 days after the day of such delivery the patentee shall leave at the Patent Office his affidavits or statutory declarations in opposition to the petition, and deliver copies thereof to the petitioner.

Patentee's evidence.

62. The petitioner within 14 days from such delivery shall leave at the Patent Office his affidavits, or statutory declarations in reply, and deliver copies thereof to the petitioner; such last-mentioned affidavits or declarations shall be confined to matters strictly in reply.

Evidence in reply.

63. Subject to any further directions which the Board of Trade may give, the parties shall then be heard at such time, before such person or persons, in such manner, and in accordance with such procedure as the Board of Trade

Further proceedings.

¹ There is nothing in this Act as to this mode of taking evidence, and it may well be doubted whether this Rule and Rule 61 and 62 are not invalid; it is difficult, if not impossible, to say before what authority the affidavits referred to in this Rule can be legally sworn.

may, in the circumstances of the case, direct, but so that full opportunity shall be given to the patentee to show cause against the petition.

Register of Patents.

Entry of grant.

64. Upon the sealing of a patent the Comptroller shall cause to be entered in the Register of Patents, the name, address, and description of the patentee as the grantee thereof, and the title of the invention.

Request for entry of subsequent proprietorship.

65. Where a person becomes entitled to a patent or to any share or interest therein, by assignment either throughout the United Kingdom and the Isle of Man, or for any place or places therein, or by transmission or other operation of law, a request for the entry of his name in the register as such complete or partial proprietor of the patent, or of such share or interest therein, as the case may be, shall be addressed to the Comptroller, and left at the Patent Office.

Signature of request.

66. Such request shall in the case of individuals be made and signed by the person requiring to be registered as proprietor, or by his agent duly authorised to the satisfaction of the Comptroller, and in the case of a body corporate by their agent, authorised in like manner.

Particulars to be stated in request.

67. Every such request shall state the name, address, and description of the person claiming to be entitled to the patent, or to any share or interest therein, as the case may be (hereinafter called the claimant), and the particulars of the assignment, transmission, or other operation of law by virtue of which he requires to be entered in the register as proprietor, so as to show the manner in which, and the person or persons to whom, the patent, or such share or interest therein as aforesaid, has been assigned or transmitted.

Production of documents of title and other proof.

68. Every assignment and every other document containing, giving effect to, or being evidence of, the transmission of a patent or affecting the proprietorship thereof as claimed by such request, except such documents as are matters of record, shall be produced to the Com-

troller, together with the request above prescribed, and such other proof of title as he may require for his satisfaction.

As to a document which is a matter of record, an official or certified copy thereof shall in like manner be produced to the Comptroller.

69. There shall also be left with the request an examined copy of the assignment or other document above required to be produced. Copies for Patent Office.

As to a document which is a matter of record, an official or certified copy shall be left with the request in lieu of an examined copy.

70. A body corporate may be registered as proprietor by its corporate name. Body corporate.

71. Where an order has been made by Her Majesty in Council for the extension of a patent for a further term, or for the grant of a new patent, or where an order has been made by the Court for the revocation of a patent or the rectification of the register under section 90 of the said Act or otherwise affecting the validity or proprietorship of the patent, the person in whose favour such order has been made shall forthwith leave at the Patent Office an office copy of such order. The register shall thereupon be rectified or the purport of such order shall otherwise be duly entered in the register, as the case may be. Entry of Orders of the Privy Council or of the Court.

72. Upon the issue of a certificate of payment under Rule 45, the Comptroller shall cause to be entered in the Register of Patents a record of the amount and date of payment of the fee on such certificate. Entry of payment of fees on issue of certificate.

73. If a patentee fails to make any prescribed payment within the prescribed time or any enlargement thereof duly granted, such failure shall be duly entered in the register. Entry failure to pay fees.

74. An examined copy of every licence granted under a patent shall be left at the Patent Office by the licensee, with a request that a notification thereof may be entered in the register. The licensee shall cause the accuracy of such copy to be certified as the Comptroller may direct Entry of licences

and the original licence shall at the same time be produced and left at the Patent Office if required for further verification.

Hours of
inspection of
register.

75. The register of patents shall be open to the inspection of the public on every week day between the hours of ten and four, except on the days and at the times following :—

- (a) Christmas Day, Good Friday, the day observed as Her Majesty's birthday, days observed as days of public fast or thanksgiving, and days observed as holidays at the Bank of England; or
- (b) Days which may from time to time be notified by a placard posted in a conspicuous place at the Patent Office;
- (c) Times when the register is required for any purpose of official use;

Certified copies
of documents.

76. Certified copies of any entry in the register, or certified copies of, or extracts from, patents, specifications, disclaimers, affidavits, statutory declarations, and other public documents in the Patent Office, or of or from registers and other books kept there, may be furnished by the Comptroller on payment of the prescribed fee.

Power to Dispense with Evidence, &c.

77. Where, under these Rules, any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Comptroller, or at the Patent Office, and it is shown to the satisfaction of the Comptroller that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Comptroller, with the sanction of the Board of Trade, and upon the production of such other evidence, and subject to

such terms as they may think fit, to dispense with any such act or thing, document, declaration, or evidence.¹

Repeal.

78. All general Rules made by the Lord Chancellor, or ^{Repeal.} by any other authority, under the Patent Law Amendment Acts, and in force on the 31st day of December, 1883, shall be and they are hereby repealed as from that date, without prejudice, nevertheless, to any application then pending.

Dated the 21st day of December, 1883.

(Signed) J. CHAMBERLAIN,
President of the Board of Trade.

¹ This Rule is so exceedingly wide in its terms that it is of very doubtful validity, and, practically, seems very cumbersome, as the Comptroller can only act under it with the sanction of the Board of Trade. Are the parties interested in the questions to be decided to be put to the double expense of appearing before the Comptroller and the Board of Trade?

RULES REGULATING THE PRACTICE AND PROCEDURE ON APPEALS TO THE LAW OFFICERS.

I. When any person intends to appeal to the law officer from a decision of the Comptroller in any case in which such appeal is given by the Act, he shall, within 14 days from the date of the decision appealed against, file in the Patent Office a notice of such his intention.

II. Such notice shall state the nature of the decision appealed against, and whether the appeal is from the whole, or part only, and if so, what part of such decision.

III. A copy of such notice of intention to appeal shall be sent by the party so intending to appeal to the law officers' clerk, at Room 549, Royal Courts of Justice, London; and when there has been an opposition before the Comptroller, to the opponent or opponents; and when the Comptroller has refused to seal a patent on the ground that a previous application for a patent for the same invention is pending, to the prior applicant.

IV. Upon notice of appeal being filed, the Comptroller shall forthwith transmit to the law officers' clerk all the papers relating to the matter of the application in respect of which such appeal is made.

V. No appeal shall be entertained of which notice is not given within 14 days from the date of the decision appealed against, or such further time as the Comptroller may allow, except by special leave upon application to the law officer.

VI. Seven days' notice, at least of the time and place appointed for the hearing of any appeal, shall be given by the law officers' clerk, unless special leave be given by the law officer that any shorter notice be given.

VII. Such notice shall in all cases be given to the Comptroller and the appellant; and when there has been an opposition before the Comptroller, to the opponent or opponents; and when the Comptroller has refused to seal a patent on the ground that an application for a patent for the same invention is pending, to the prior applicant.

VIII. The evidence¹ used on appeal to the law officer shall

¹ It may well be doubted whether this Rule and Rules 9 and 10 are valid; s. 38 of the Act, p. 63, expressly provides for taking evidence on oath before the law officers, and it is not clear that they have any power to act upon the evidence referred to in Rule 8, or to exercise the discretion in Rule 9.

be the same as that used at the hearing before the Comptroller; and no further evidence shall be given, save as to matters which have occurred or come to the knowledge of either party after the date of the decision appealed against, except with the leave of the law officer upon application for that purpose.

IX.—The law officer shall, at the request of either party, order the attendance at the hearing on appeal, for the purpose of being cross-examined, of any person who has made a declaration in the matter to which the appeal relates, unless in the opinion of the law officer there is good ground for not making such order.

X. Any person requiring the attendance of a witness for cross-examination shall tender to the witness whose attendance is required a reasonable sum for conduct money.

XI. Where the law officer orders that costs shall be paid by any party to another, he may fix the amount of such costs, and if he shall not think fit to fix the amount thereof, he shall direct by whom and in what manner the amount of such costs shall be ascertained.

XII. If any costs so ordered to be paid be not paid within 14 days after the amount thereof has been so fixed or ascertained, or such shorter period as shall be directed by the law officer, the party to whom such costs are to be paid may apply to the law officer for an order for payment under the provisions of Section 38 of the Act.

XIII. All documentary evidence required, or allowed by the law officer to be filed, shall be subject to the same regulations, in all respects, as apply to the procedure before the Comptroller, and shall be filed in the Patent Office, unless the law officer shall order to the contrary.

XIV. Any notice or other document required to be given to the law officers' clerk, under these Rules, may be sent by a prepaid letter through the post.

HENRY JAMES, A.G.
• FARRER HERSCHELL, S.G.

FIRST SCHEDULE.**LIST OF FEES PAYABLE ON AND IN CONNECTION WITH LETTERS PATENT.***Up to Sealing.*

	£	s.	d.	£	s.	d.
1. On application for provisional protection	1	0	0			
2. On filing complete specification	3	0	0			
or				4	0	0
3. On filing complete specification with first application	4	0	0			
4. On appeal from Comptroller to Law Officer. By appellant	3	0	0			
5. On notice of opposition to grant of patent. By opponent	0	10	0			
6. On hearing by Comptroller. By applicant and by opponent respectively	1	0	0			
7. On application to amend specification :— Up to sealing. By applicant	1	10	0			
8. After sealing. By patentee	3	0	0			
9. On notice of opposition to amendment. By opponent	0	10	0			
10. On hearing by Comptroller. By applicant and by opponent respectively	1	0	0			
11. On application to amend specification during action or proceeding. By patentee	3	0	0			
12. On application to the Board of Trade for a compulsory licence. By person applying ...	5	0	0			
13. On opposition to grant of compulsory licence. By patentee	5	0	0			
14. On certificate of renewal :— Before end of 4 years from date of patent ...	50	0	0			
15. Before end of 7 years, or in the case of patents granted under the " Patents, Designs and Trade Marks Act, 1883," before the end of 8 years from date of patent	100	0	0			

Or in lieu of the fees of £50 and £100, the following annual fees:—

Following annual fees.						£	s.	d.
16.	Before the expiration of the 4th year from the date of the patent					10	0	0
17.	"	"	5th	"	" ...	10	0	0
18.	"	"	6th	"	" ...	10	0	0
19.	"	"	7th	"	" ...	10	0	0
20.	"	"	8th	"	" ...	15	0	0
21.	"	"	9th	"	" ...	15	0	0
22.	"	"	10th	"	" ...	20	0	0
23.	"	"	11th	"	" ...	20	0	0
24.	"	"	12th	"	" ...	20	0	0
25.	"	"	13th	"	" ...	20	0	0

On enlargement of time for payment of renewal fees:—

26.	Not exceeding 1 month	3	0	0
27.	" 2 months	7	0	0
28.	" 3 months	10	0	0
29.	For every entry of an assignment, transmission, agreement, licence or extension of patent	0	10	0
30.	For duplicate of letters patent each	2	0	0
31.	On notice to Comptroller of intended exhibition of a patent under Section 39	0	10	0
32.	Search or inspection fee each	0	1	0
33.	For office copies every 100 words (but never less than one shiling)	0	0	4
34.	" of drawings, cost according to agreement.			
35.	For certifying office copies, M.S.S. or printed, each	0	1	0
36.	On request to Comptroller to correct clerical error	0	5	0
37.	For certificate of Comptroller under Section 96	0	5	0
38.	For altering address in register	0	5	0

(Signed) J. CHAMBERLAIN,

21st December, 1883. *President of the Board of Trade.*

Approved: (Signed) CHARLES C. COTES,
HERBERT J. GLADSTONE,

Lords Commissioners of

4th December, 1883. *Her Majesty's Treasury.*

THE SECOND SCHEDULE.

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PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

Form A.

APPLICATION FOR PATENT.

PATENT.

(a) _____

(a) Here insert name, full address, and calling of applicant or applicants.

_____, do solemnly and sincerely declare that _____ in possession of an invention for (b) _____

(b) Here insert title of invention.

that _____ the true and first inventor _____ thereof; and that the same is not in use by any other person or persons to the best of _____ knowledge and belief; and _____ humbly pray that a patent may be granted _____

for the said invention.

And _____ make the above solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

(c) _____

(c) Signature of applicant or applicants.

Declared at (d) _____ in the _____

_____ this _____ day of _____ 18____.

(d) If declared by more than one applicant and at different times or places, insert after "Declared" the words "by the above-named."

Before me,

(e) _____

(e) Signature and title of the person before whom the declaration is made.

[Declared at (d) _____ in the _____

_____ this _____ day of _____ 18____.

Before me,

(e) _____

(f)]

(f) If not required as in note (d), strike out part within brackets.

NOTE.—Where the above declaration is made out of the United Kingdom, the words "and by virtue of the Statutory Declarations Act, 1835," must be omitted, and the declaration must be made before a British consular officer, or, where it is not reasonably practicable to make it before such officer, then before a public officer duly authorised in that behalf.

PATENT.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1833.

Form A1.

APPLICATION FOR PATENT FOR INVENTIONS
COMMUNICATED FROM ABROAD.

(a) Here insert
name, full address,
and calling of ap-
plicant.

I (a) _____
of _____ in the
county of _____ do solemnly and
sincerely declare that I am in possession of an invention for (b)

(b) Here insert
title of invention.

(c) Here insert
name, address, and
calling of com-
municant.

_____ which invention has been communicated to me from abroad by (c)

that I claim to be the true and first inventor thereof; and that the
same is not in use within this realm by any other person or persons
to the best of my knowledge and belief; and I humbly pray that a
patent may be granted to me for the said invention.

And I make the above solemn declaration conscientiously believing
the same to be true, and by virtue of the provisions of the Statutory
Declarations Act, 1835.

(d) Signature of
applicant.

(d) _____
Declared at _____ in the county of
_____ this _____ day of _____

18____.

Before me,

(e) Signature and
title of the officer
before whom the
declaration is made.

(e) _____

NOTE.—Where the above declaration is made out of the United
Kingdom, the words "and by virtue of the Statutory Declarations
Act, 1835," must be omitted, and the declaration must be made
before a British consular officer, or, where it is not reasonably
practicable to make it before such officer, then before a public officer
duly authorised in that behalf.

To be issued with Form A or A1.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

Form B.

PROVISIONAL SPECIFICATION

(To be furnished in Duplicate).

(a) _____ (a) Here insert
_____ title, as in declara-
_____ tion.

(b) _____ (b) Here insert
_____ name, full address,
_____ and calling of ap-
_____ plicant or appli-
_____ cants, as in declara-
_____ tion.

do hereby declare the nature of the said invention for _____

to be as follows (c) : _____ (c) Here insert
_____ short description
_____ of invention.

NOTE.—No stamp is required on this document, which must form the commencement of the Provisional Specification; the continuation to be upon wide-ruled foolscap paper (but on one side only), with a margin of two inches on left-hand of paper. The Provisional Specification and the "Duplicate" thereof must be signed by the applicant or his agent on the last sheet, the date being first inserted as follows:—

" Dated this _____ day of _____ 18 ."



PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

Form C.

COMPLETE SPECIFICATION

(To be furnished in Duplicate—one unstamped).

(a) Here insert
title, as in declara-
tion.

(a) _____

(b) Here insert
name, full address,
and calling of ap-
plicant or appli-
cants, as in declara-
tion.

(b) _____

_____ do hereby declare

the nature of _____ invention for _____

and in what manner the same is to be performed, to be particularly described and ascertained in and by the following statement (c) :—

(c) Here insert
full description of
invention, which
must end with a
distinct statement
of claim or claims,
in the following
form:

"Having now par-
ticularly described
and ascertained the
nature of my said
invention, and in
what manner the
same is to be per-
formed, I declare
that what I claim
is,

(1.)
(2.)
(3.)

"Here state dis-
tinctly the features
of novelty claimed.

NOTE.—This document must form the commencement of the Complete Specification; the continuation to be upon wide-ruled foolscap paper (but on one side only), with a margin of two inches on left-hand of paper. The Complete Specification and the "Duplicate" thereof must be signed by the applicant or his agent on the last sheet, the date being first inserted as follows :—

"Dated this _____ day of _____ 18 ____"

PATENTS, DESIGNS AND TRADE MARKS ACT, 1888.

Form D.

FORM OF OPPOSITION TO GRANT OF PATENT.

PATENT.

[To be accompanied by an unstamped copy.]

(a) I _____

(e) Here state
 name and full
 address.

hereby give notice of my intention to oppose the grant of Letters
 Patent upon application No. _____ of _____, applied
 for by _____

upon the ground (b) _____

(b) Here state
 upon which of the
 grounds of opposi-
 tion permitted by
 Section 11 of the
 Act the grant is
 opposed.

(Signed) (c) _____

(c) Here insert
 signature of op-
 ponent or agent.

To the Comptroller,
 Patent Office, 25, Southampton Buildings,
 Chancery Lane, London, W.C.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

Form E.



FORM OF APPLICATION FOR HEARING BY THE
COMPTROLLER.

IN CASES OF REFUSAL TO ACCEPT, OPPOSITION, OR APPLICATIONS FOR
AMENDMENTS, &c.

SIR,

(a) Here insert
full address.

_____ of (a) _____

hereby apply to be heard in reference to

and request that I may receive due notice of the day fixed for the
hearing,

Sir,

Your obedient Servant,

*To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

Form F.

PATENT.

FORM OF APPLICATION FOR AMENDMENT OF
SPECIFICATION OR DRAWINGS.

(a)

(a) Here state
name and full ad-
dress of applicant
or patentee.

seek leave to amend the specification of Letters Patent No. _____
of 188 , as shown in red ink in the copy of the original specifica-
tion hereunto annexed _____

My reasons for making this amendment are as follows (b) _____

(b) Here state
reasons for seeking
amendment : and
where the applicant
is not the patentee,
state what interest
he possesses in the
letters patent.

(Signed) _____

To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.



Form G.

FORM OF OPPOSITION TO AMENDMENT OF
SPECIFICATION OR DRAWINGS.

[To be accompanied by an unstamped copy.]

(a) Here state name
and full address of
opponent.

(a)

hereby give notice of objection to the proposed amendment of
the specification or drawings of Letters Patent No. _____

(b) Here state rea-
son of opposition.

of 188 _____ for the following reason : (b) _____

(Signed) _____

To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1888.

Form H.

 FORM OF APPLICATION FOR COMPULSORY GRANT
 OF LICENCE.

PATENT.

[To be accompanied by an unstamped copy.]

(a) _____

(a) Here state name
and full address of
applicant.

 hereby request you to bring to the notice of the Board of Trade
 the accompanying petition for the grant of a licence to me by (b)

(b) Here state name
and address of pa-
tentee, and number
and date of his
patent.

(Signed) _____

NOTE.—The petition must clearly set forth the facts of the case
 and be accompanied by an examined copy thereof. See form
 next page.

To the Comptroller,
 Patent Office, 25, Southampton Buildings,
 Chancery Lane, London, W.C.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

Form H.L.

 FORM OF PETITION FOR COMPULSORY GRANT OF
 LICENCES.

To the LORDS of the COMMITTEE of PRIVY COUNCIL for TRADE.

(a) Here insert name, full address, and description.

THE PETITION of (a) _____ of _____, being a person interested in the matter of this petition as hereinafter described :—

SHEWETH as follows :—

(b) Here insert title of invention.

1. A patent dated _____ No. _____ was duly granted to _____ for an invention of (b) _____

(c) Here state fully the nature of petitioner's interest.

2. The nature of my interest in the matter of this petition is as follows :—(c) _____

(d) Here state in detail the circumstances of the case under Section 22 of the said Act, and show that it arises by reason of the default of the patentee to grant licences on reasonable terms. The statement of the case should also show as far as possible that the terms of the proposed order are just and reasonable. The paragraphs should be numbered consecutively.

3. (d) _____

(e) Here state the ground or grounds on which relief is claimed in the language of Section 22, sub-sections (a), (b) or (c), as the case may be.

Having regard to the circumstances above stated, the petitioner alleges that by reason of the aforesaid default of the patentee to grant licences on reasonable terms (e) _____

Your petitioner therefore prays that an order may be made by the Board of Trade (f) _____

(f) Here state the purport and effect of the proposed order and the terms as to the amount of royalties, security for payment, or otherwise, upon which the petitioner claims to be entitled to the relief in question.

or that the petitioner may have such other relief in the premises as the Board of Trade may deem just.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

Form I.

**FORM OF OPPOSITION TO COMPULSORY GRANT
OF LICENCE.**

PATENT.

(a) _____

(a) Here state name
and full address.

 hereby give notice of objection to the application of _____

 for the compulsory grant of a Licence under Patent No. _____
 of 188 .

(Signed) _____

*To the Comptroller,
 Patent Office, 25, Southampton Buildings,
 Chancery Lane, London, W.C.*

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

Form J.

APPLICATION FOR CERTIFICATE OF PAYMENT
OR RENEWAL.

_____ hereby transmit the fee prescribed for the continuation in force of _____ Patent No. _____, of 18 _____, for a further period of _____.

(a) Here insert name and full address of patentee or his agent.

Name (a) _____

Address _____

To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

PATENT.

CERTIFICATE OF PAYMENT OR RENEWAL.

Letters Patent No. _____ of 188 _____

_____ 18 _____.

This is to certify that _____ did this _____ day of _____ 18 _____, make the prescribed payment of £ _____ in respect of a period of _____ from _____, and that by virtue of such payment the rights of _____

(a) See Section 17 of the Patents, Designs and Trade Marks Act, 1883.

remain in force. (a)

Seal.

Patent Office, London.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

Form K.

FORM OF APPLICATION FOR ENLARGEMENT OF TIME
FOR PAYMENT OF RENEWAL FEE.

PATENT.

SIR,

I hereby apply for an enlargement of time for _____
month in which to make the _____ payment of
£ _____ upon my Patent, No. _____,
of 188 .

I am,

Sir,

Your obedient Servant,

(a) _____

(a) Here insert
full address to
which receipt is to
be sent.

To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

Form L.

PATENT.

 FORM OF REQUEST TO ENTER NAME UPON THE
 REGISTER OF PATENTS, AND OF DECLARATIONS
 IN SUPPORT THEREOF.

(a) Or We.
 Here insert name,
 full address, and de-
 scription.

I (a) _____

(b) My or our.
 (c) Or names.

 hereby request that you will enter (b) _____ name (c) in the
 Register of Patents:—

(d) I or We.
 (e) Here insert
 the nature of the
 claim.

(d) _____ claim to be entitled (e) _____

(f) Here give
 name and address,
 So., of Patentee or
 Patentees.

of the Patent No. _____ of 188 , granted to (f) _____

(g) Here insert
 title of the inven-
 tion.

for (g) _____

(h) Here specify
 the particulars of
 such document,
 giving its date, and
 the parties to the
 same, and showing
 how the claim here
 made is substan-
 tiated.

by virtue of (h) _____

(i) Here insert
 the nature of the
 document.

And in proof whereof I transmit the accompanying (i) _____

(j) Where any
 document which is
 a matter of record
 is required to be
 left, a certified or
 official copy in lieu
 of an examined
 copy must be left.

 _____ with an examined copy
 thereof (j).

I am,

Sir,

Your obedient Servant,

To the Comptroller,
 Patent Office, 25, Southampton Buildings,
 Chancery Lane, London, W.C.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

Form **M.**

FORM OF REQUEST TO ENTER NOTIFICATION OF LICENCE
IN THE REGISTER OF PATENTS.

PATENT.

SIR,

I HEREBY transmit an examined copy of a licence granted
to me by _____

under Patent No. _____ of 188 , as well as the original licence
for verification, and I have to request that a notification thereof
may be entered in the Register.

I am,

Sir,

Your obedient Servant,

(a) _____

(a) Here insert
full address.

*To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

Form N.



APPLICATION FOR DUPLICATE OF PATENT.

Date

SIR,

I REGRET to have to inform you that the Letters Patent,

(a) Here insert
date, No., name,
and full address of
Patentee.

dated (a)

No.

granted to

(b) Here insert
title of invention.

for an invention of (b)

(c) Here insert the
word "destroyed"
or "lost," as the
case may be.

have been (c)

I beg therefore to apply for the issue of a duplicate of such

(d) Here state
interest possessed
by applicant in the
Letters Patent.

Letters Patent. (d)

[Signature of Applicant.]

To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

Form O.

PATENT.

NOTICE OF INTENDED EXHIBITION OF AN
UNPATENTED INVENTION.

(a) _____ (a) Here state name and full address of applicant.

hereby give notice of my intention to exhibit a _____
of _____ at the _____

Exhibition, which (b) _____ of _____ 18 _____ (b) State "opened" or "is to open."
under the provisions of the Patents, Designs and Trade Marks Act
of 1883.

(c) _____ herewith enclose _____ (c) Insert brief description of invention, with drawings if necessary.

(Signed) _____

To the Comptroller,

Patent Office, 25, Southampton Buildings,

Chancery Lane, London, W.C.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1888.

PATENT.

Form P.

FORM OF REQUEST FOR CORRECTION OF CLERICAL
ERROR.

SIR,

(a) or errors.

I HEREBY request that the following clerical error (a) may be

(b) Here state
whether in applica-
tion, specification,
or register.

corrected in (b)

Signature_____

Full Address_____

To the Comptroller,

Patent Office, 25, Southampton Buildings,

Chancery Lane, London, W.U.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

Form Q.

CERTIFICATE OF COMPTROLLER-GENERAL.

PATENT.

**Patent Office,
London,**

188 .

I, _____, Comptroller-General of Patents,
Designs and Trade Marks, hereby certify

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.



Form B.

FORM OF NOTICE FOR ALTERATION OF AN
ADDRESS IN REGISTER.

SIR,

(a) Here state
name or names
and full address of
applicant or appli-
cants.

(a) _____

hereby request that _____ address now upon the Register may be
altered as follows :—

(b) Here insert
full address.

(b) _____

Sir,

Your obedient Servant,

To the Comptroller,

Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

Form S.

FORM OF APPLICATION FOR ENTRY OF ORDER OF PRIVY
COUNCIL IN REGISTER.



(a) _____

(a) Here state
name and full ad-
dress of applicant.

hereby transmit an office copy of an Order in Council with reference
to (b)

(b) Here state
the purport of the
order.

Sir,
Your obedient Servant,

*To the Comptroller,
Patent Office, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

Form T.

PATENT.

 FORM OF APPEAL TO LAW OFFICER.

(a) Here insert name and full address of appellant.

I, (a) _____ of (a) _____

hereby give notice of my intention to appeal to the Law Officer

(b) Here insert "the decision" or "that part of the decision," as the case may be.

from (b) _____

of the Comptroller of the _____ day of _____

188 , whereby he (c) _____

(c) Here insert "refused [or allowed] application for Patent," or "refused [or allowed] application for leave to amend Patent," or otherwise as the case may be.
(d) Insert number and year.

No. (d) _____ of the year 188 (d)

Signature _____

Date _____

N.B.—This notice has to be sent to the Comptroller General at the Patent Office, London, W.C., and a copy of same to the Law Officers' Clerk, at Room 549, Royal Courts of Justice, London.

21st December, 1883.

(Signed) J. CHAMBERLAIN,
President of the Board of Trade.

INFORMATION FOR INTENDING APPLICANTS FOR PATENTS FOR INVENTIONS.

1. All applications and communications must be made in English. No models are required.

2. Any person, whether a British subject or not, may make an application for a patent.

3. Two or more persons may make a joint application for a patent, and a patent may be granted to them jointly.

4. Applications may be left at the Patent Office or be sent, prepaid, by post. Applications sent by post must be addressed to the Comptroller, Patent Office.

5. Forms of application may be obtained at the under-mentioned places in the United Kingdom.

List of Places at which Stamped Forms under the Patents, Designs and Trades Marks Act, 1883, may be obtained.

1. At the Inland Revenue Office, Royal Courts of Justice, Room No. 6.

2. At the following Post Offices :—

London General Post Office, E.C.

District Post Office, 226, Commercial Road, E.

„ 9, Blackman Street, Borough, S.E.

„ Charing Cross, W.C.

„ 28, Eversholt Street, Camden Town,
N.W.

Post Office, 12, Parliament Street, S.W.

ENGLAND AND WALES.	Beverley.	Burton-on-Trent.	Derby.
	Birkenhead.	Bury.	Dewsbury.
	Birmingham.	Cambridge.	Doncaster.
Accrington.	Blackburn.	Carlisle.	Dorchester.
Altrincham.	Bolton.	Chatham.	Driffield.
Ashton-under-Lyne.	Bradford.	Chester.	Droitwich.
Barnsley.	Brighton.	Clitheroe.	Dudley.
Barrow-in-Furness.	Bristol.	Congleton.	Durham.
Bedford.	Bromsgrove.	Coventry.	Exeter.
	Burnley.	Crewe.	Gateshead.
	Burslem.	Darlaston.	Goole.

List of Places at which Stamped Forms under the Patents, Designs, and Trade Marks Act, 1883, may be obtained—continued.

Greenwich.	Northallerton.	Southampton.	SCOTLAND.
Guildford.	Northampton.	Stafford.	
Halifax.	Nottingham.	Stalybridge.	Aberdeen.
Hartlepool.	Nuneaton.	Stockport.	Dumbarton.
Huddersfield.	Oldbury.	Stoke-on-Trent.	Dundee.
Hull.	Oldham.	Stourbridge.	Edinburgh.
Ipswich.	Pattingham.	Stourport.	Glasgow.
Keighley.	Plymouth.	Sunderland.	Greenock.
Kendal.	Pontefract.	Swansea.	Inverness.
Kidderminster.	Portsmouth.	Tamworth.	Lanark.
Knaresbro'.	Prescot.	Truro.	Paisley.
Knutsford.	Preston.	Tunstall.	Perth.
Lancaster.	Reading.	Wakefield.	Renfrew.
Leamington.	Redditch.	Walsall.	
Leeds.	Richmond (Yorks).	Warrington.	
Leicester.	Ripon.	Wednesbury.	
Lichfield.	Rochdale.	West Bromwich.	IRELAND.
Lincoln.	Rotherham.	Whitby.	
Liverpool.	Rugby.	Widnes.	Belfast.
Macclesfield.	Salford.	Wigan.	Cork.
Manchester.	St. Helens.	Wolverhampton.	Dublin.
Middlesborough.	Scarborough.	Wolverton.	Dundalk.
Nantwich.	Sedgley.	Woolwich.	Galway.
Newcastle.	Sheffield.	York.	Wexford.
Newport (Mon.)			

6. The "declaration" required on application when made before a *justice of the peace*, or before a *Commissioner* (see *Note at the foot of these Instructions issued by Patents Office*), does not require any additional stamp; but when made before a Commissioner a 2s. 6d. impressed stamp is required. When such 2s. 6d. stamp is required, the application form must be left with the Postmaster at one of the Post Offices included in the above list, who will get the form stamped. In London such forms can also be left at the Inland Revenue Office, at the Royal Courts of Justice.

7. An application for Provisional protection consists of—

- (a) The form of application,¹ either Patent Form A or A1, fee £1 each form.
- (b) The form of provisional specification, Patent Form B, gratis.

¹There are two forms of application, namely, one Patent Form A, when the application is made by the applicant or applicants; and Patent Form A1, when the invention is a "communication" from abroad.

8. An application for complete protection consists of—

- (a) The form of application, either Patent Form A or A1, as for a provisional protection fee, £1 each form; and
- (b) The form of complete specification, Patent Form C, £3.

Total, £4.

In order to avoid unnecessary trouble, applicants should carefully read the directions upon the forms of application before filling them up.

9. When a complete specification is filed after a provisional protection has been allowed, which must be within nine months from the date of the application for provisional protection, the cost of the form for the complete specification to be furnished is, fee £3, Patent Form C.

N.B.—A second application form is not required.

10. The “ declaration ” in the form of application must be signed by the applicant or applicants; but all other communications may be made by or through agents duly authorised to the satisfaction of the Comptroller.

11. The specifications and all other documents must be written or printed in large and legible characters upon strong wide-ruled foolscap paper of a size of 13 inches by 8 inches (on one side only), leaving a margin of two inches on the left-hand part thereof; and the signatures of the applicants or agents thereto must be written in a large and legible hand.

12. The drawings accompanying provisional or complete specifications must be made upon half-sheets or sheets of imperial drawing paper, to be within a border line of 19 inches by 12 inches, or 27 inches by 19 inches, with a margin of half-an-inch all round.

A copy of the drawings will be required upon *rolled* imperial drawing paper, or upon thin Bristol board of the same dimensions as the original drawing or drawings. All the lines must be absolutely black, Indian ink of the best quality to be used, and the same strength or colour of the ink maintained throughout the drawing. Any shading must be in lines clearly and distinctly drawn and as open as is consistent with the required effect. Section lines should not be too closely drawn.

No colour must be used for any purpose upon the copy of the drawings. All letters and figures of reference must be bold and distinct. The border line should be one fine line only. The drawings must not be folded, but must be delivered at the Patent Office either in a perfectly flat state or rolled upon a roller so as to be free from creases or breaks.¹

13. With the view of preparing an illustrated journal of patented inventions, as directed by the Act, every applicant must, after his application has been accepted, also furnish the Patent Office with the drawing and concise explanatory statement required by Rule 31.

14. Copies of the Patent Rules (price, prepaid, [7d.], including postage within the United Kingdom) can be obtained from the Patent Office, Sale Branch, 38, Cursitor Street, Chancery Lane, E.C.

Applications for copies of the Rules should be addressed to the Comptroller, at the above address.

15. An application for provisional protection continues in force nine months from the date of the application; but if a patent is required in connection with such application, unless a "complete" specification be left at the Patent Office within *nine* months from the date of the application for such provisional protection, the application will be deemed to be abandoned.

16. Every patent will be granted for the term of 14 years from its date, subject to the payment of £50 before the end of the fourth year of the term, and £100 before the end of the eighth year, or in lieu thereof to the payment of annual or renewal fees of £10, £15, and £20, commencing before the expiration of the fourth year of the term, and extending to and inclusive of the thirteenth year; for amount of fees, *see* Schedule of Fees annexed to the Rules. These payments must be made by way of stamped forms, which may be obtained at the places set forth in the list in paragraph 5.

¹As the drawings accompanying the provisional and complete specification respectively are copied at the Patent Office for publication by the process of photolithography, this rule must be strictly observed in order that correct copies may be made.

17. The fees to be paid upon applications made prior to the 1st of January, 1884, are :

- (a) The seventh year's payment, which under the conditions of Letters Patent is payable before the end of the seventh year, must be paid as heretofore in one sum of £100.
- (b) The payments, which under the condition of the Letters Patent are payable before the end of the third year (1884), are, by the Act of 1883, made payable before the end of the fourth year (1885) ; the fee may be paid either in one sum or by annual payments (*see* Schedule of Fees).
- (c) The stamp duties required under the Patent Law Amendment Acts of 1852-3 must be paid upon subsequent proceedings in connection with applications made prior to 1st January, 1884, up to and including the £5 stamp duty upon filing the " final " specification as required by Act. All applications under the Acts of 1852-3 must be completed in accordance with their provisions up to the stage of filing the final specification. Patents granted upon applications made prior to the 1st January, 1884, are exempt from the provisions of the Act of 1883 as to the compulsory grant of Licences.

NOTICE.

In future, Declarations made before Commissioners for taking oaths, in connection with applications for Patents under the Patents, &c., Act of 1883, will not be required to bear a 2s. 6d. impressed stamp, and such applications will therefore be accepted at the Patent Office without a 2s. 6d. stamp.

*Patent Office, 25, Southampton Buildings,
Chancery Lane, W.C.,
24th January, 1884.*

DESIGNS RULES.

By virtue of the provisions of the Patents, Designs and Trade Marks Act, 1883,¹ the Board of Trade do hereby make the following Rules:—

Commencement.

1. These Rules may be cited as the Designs Rules, 1883, and shall come into operation from and immediately after the 31st day of December, 1883.

Interpretation.

2. In the construction of these Rules any words herein used defined by the said Act shall have the meanings thereby assigned to them respectively. Interpretation.

Fees.

3. The fees to be paid under the said Act, so far as it relates to applications for and registration of designs, shall be the fees specified in the First Schedule hereto. Fees.

Forms.

4. An application for the registration of a design shall be made in the Form E in the Second Schedule hereto. The remaining forms in such Schedule may be used in all cases to which they are applicable. Forms.

Classification of Goods.

5. For the purposes of the registration of designs and Classification of goods.

¹ See power to make Rules, s. 101, sub-sec. 3 of the Act, p. 105.

of these Rules, goods are classified¹ in the manner appearing in the Third Schedule hereto.

Application for Registration.

Agents.

6. All communications between an applicant for the registration of a design and the Comptroller or the Board of Trade, as the case may be, may be made by or through an agent duly authorised to the satisfaction of the Comptroller.

Address of Comptroller.

7. An application for the registration of a design shall, with the prescribed fee, be left at the Patent Office, Designs Branch, or be sent prepaid by post, addressed to the Comptroller at the Patent Office (Designs Branch), 25, Southampton Buildings, Chancery Lane, London.

Size of papers.

8. An application for the registration of a design, and all drawings, sketches, photographs, or tracings of a design, and all other documents sent to or left at the Patent Office, Designs Branch, or otherwise furnished to the Comptroller or to the Board of Trade, shall be written, printed, copied, or drawn upon strong wide-ruled foolscap paper (on one side only), of the size of 13 inches by 8 inches, leaving a margin of not less than one inch and a half on the left-hand part thereof, and the signature of the applicants or agents thereto must be written in a large and legible hand.

The Comptroller may in any particular case vary the requirements of this Rule as he may think fit.

Sketches and drawings.

9. An application for the registration of a design shall be accompanied by a sketch or drawing, or by three exactly similar drawings, photographs, or tracings of the design, or by three specimens of the design,² and shall, in

¹ Section 47, sub-sec. 5, p. 73, provides that "in case of doubt as to the class in which a design should be registered, the Comptroller may decide the question."

² Under s. 50 of the Act, p. 74, exact representations or specimens of the design must be lodged with the application or before delivery or sale of the design, otherwise the Comptroller may erase the name of the proprietor from the register, and the copyright will cease.

describing the nature of the design, state whether it is applicable for the pattern or for the shape or configuration of the design, and the means by which it is applicable.

Nature of design.

When sketches, drawings, or tracings are furnished they must be fixed.

When the articles to which designs are applied are not of a kind which can be pasted into books, drawings, photographs, or tracings of such designs shall be furnished.

10. On receipt of an application for registration the Comptroller shall send to the applicant an acknowledgment thereof.

Acknowledgment to applicant.

11. If the Comptroller determines to register a design, he shall as soon as may be send to the applicant a certificate of such registration in the prescribed form, sealed with the seal of the Patent Office.

Notice of registration.

12. Any application, notice, or other document authorised or required to be left, made, or given at the Patent Office or to the Comptroller or to any other person under these Rules may be sent by a prepaid letter through the post, and if so sent shall be deemed to have been left, made, or given respectively at the time when the letter containing the same would be delivered in the ordinary course of post.

Applications may be sent by post.

In proving such service, or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

13. Before exercising any discretionary power given to the Comptroller by the said Act adversely to an applicant for registration of a design, the Comptroller shall give him ten days' notice of the time when he may be heard personally or by his agent before the Comptroller.

Hearing by Comptroller.

14. Within five days from the date when such notice would be delivered in the ordinary course of post, the applicant shall notify to the Comptroller whether or not he intends to be heard upon the matter.

Hearing by Comptroller.

15. The decision or determination of the Comptroller in the exercise of any such discretionary power as aforesaid shall be notified to the applicant.

Notification of Comptroller's decision.

Appeal to the Board of Trade.

Notice of
appeal to Board
of Trade.

16. Where the Comptroller refuses to register a design, and the applicant intends to appeal to the Board of Trade from such refusal, he shall, within one month from the date of the decision appealed against, leave at the Patent Office, Designs Branch, a notice¹ of such his intention.

Statement on
appeal.

17. Such notice shall be accompanied by a statement of the grounds of appeal, and of the applicant's case in support thereof.

Notice to
Secretary of
Board of Trade.

18. The applicant shall forthwith, on leaving such notice, send a copy thereof to the Secretary of the Board of Trade, No. 7, Whitehall Gardens, London.

Directions by
Board of Trade.

19. The Board of Trade may thereupon give such directions (if any) as they may think fit for the purpose of the hearing of the appeal for the Board of Trade.

Notice of time
of hearing.

20. Seven days' notice, or such shorter notice as the Board of Trade may in any particular case direct, of the time and place appointed for the hearing of the appeal, shall be given to the Comptroller and the applicant.

Register of Designs.

Registering
design.

21. Upon the sealing of a certificate of registration the Comptroller shall cause to be entered in the register of designs the name, address, and description of the registered proprietor, and the date upon which the application for registration was received by the Comptroller, which day shall be deemed to be the date of the registration.

Subsequent
proprietors.

22. Where a person becomes entitled to the copyright in a registered design, or to any share or interest therein, by assignment, transmission, or other operation of law, or where a person acquires any right to apply the design either exclusively or otherwise, a request² for the entry of his name in the register as such proprietor of the design, or as having acquired such right, as the case may be

¹ See form K, p. 197.

² For Form of Request, see Form K, in second schedule to these Rules, p. 197.

(hereinafter called the claimant), shall be addressed to the Comptroller, and left at the Patent Office, Designs Branch.

23. Every such request shall, in the case of an individual, be made and signed by the person requiring to be registered as proprietor; and in the case of a firm or partnership, by some one or more members of such firm or partnership, or, in either case, by his or their agent respectively, duly authorised to the satisfaction of the Comptroller; and in the case of a body corporate, by their agent, authorised in like manner.

Signature to request.

24. Every such request shall state the name, address and description of the claimant, and the particulars of the assignment, transmission, or other operation of law, by virtue of which the request is made, so as to show the manner in which, and the person or persons to whom the design has been assigned or transmitted, or the person or persons who has or have acquired such right as aforesaid, as the case may be.

Particulars in request.

25. Every such request shall be accompanied by a statutory declaration¹ to be thereunder written, verifying the several statements therein, and declaring that the particulars above described comprise every material fact and document affecting the proprietorship of the design or the right to apply the same, as the case may be, as claimed by such request.

Statutory declaration with request.

26. The claimant shall furnish to the Comptroller such other proof of title as he may require for his satisfaction.

Proof of title if required.

27. A body corporate may be registered as proprietor by its corporate name.

Corporate name.

28. Where an order has been made by the Court, under section 90 of the said Act, the person in whose favour such order has been made shall forthwith leave at the Patent Office an office copy of such order. The register shall thereupon be rectified, or the purport of such order shall otherwise be duly entered in the register as the case may be.

Notice of order of Court.

¹ See end of Form K, p. 197.

Power to Dispense with Evidence.

Comptroller's
discretion as to
evidence.

29. Where, under these Rules, any person is required to do any act or thing, or to sign any document, or make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Comptroller or at the Patent Office, and it is shown to the satisfaction of the Comptroller that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Comptroller, with the sanction of the Board of Trade, and upon the production of such other evidence and subject to such terms as they may think fit, to dispense with any such act or thing, document, declaration or evidence.

Amendments.

Amendments.

30. Any document, drawings, sketches, or tracings for the amending of which no special provision is made by the said Act, may be amended, and any irregularity in procedure which, in the opinion of the Comptroller, may be obviated without detriment to the interests of any person, may be corrected, if the Comptroller think fit, and upon such terms as he may direct.

Enlargement of Time.

Enlargement
of time.

31. The time prescribed by these Rules for doing any act or taking any proceeding thereunder may be enlarged by the Comptroller, if he think fit, and upon such terms as he may direct.

Marking Goods.

Registration
mark.

32. Before the delivery on sale of any article to which a registered design has been applied, the proprietor of such design shall, if such article is included in any of the classes 1 to 12 in the Third Schedule hereto, cause each such article to be marked with the abbreviation "R^D" and the number appearing on the certificate of registration; and shall, if such article is included in the classes 13 or 14 in the Third Schedule hereto, cause each such article to be marked with the abbreviation "REG."

Inspection.

33. On such days and during such hours as the Comptroller shall from time to time determine and notify by a placard posted at the Patent Office, any person paying the prescribed fee may, on production of the number of any design of which the copyright has ceased,¹ inspect such design, and any person paying the prescribed fee may take a copy or copies of such design.

Office hours.

Certificate by Comptroller.

34. Where a certificate is required for the purpose of any legal proceeding or other special purpose as to any entry, matter, or thing which the Comptroller is authorised by the said Act or these Rules to make or do, the Comptroller may, on a request in writing and on payment of the prescribed fee, give such certificate, which shall also specify on the face of it the purpose for which it has been requested as aforesaid.

Certificate in legal proceeding.

Searches on production of Sketch of Design.

35. The Comptroller may, on receipt of the prescribed fee, make searches among the designs registered at the Patent Office after the commencement of the Act, and inform any person requesting him so to do whether a particular design produced by such person, and to be applied to goods in any particular class, is or is not identical with, or an obvious imitation of any design applied to such goods and registered since the commencement of the Act.

Search.

Industrial and International Exhibitions.

36. Any person desirous of exhibiting a design, or any article to which a design has been applied, at an industrial

Notice of exhibition.

¹ See s. 53 of the Act, p. 75, which provides that "any person producing such information as will identify a particular design, and on payment of the prescribed fee, shall be informed by the Comptroller of the existence of the design, class or classes of goods, date of registration, and name and address of the proprietor."

or international exhibition, or of publishing a description of a design during the period of the holding of the exhibition, shall, after having obtained from the Board of Trade a certificate that the exhibition is an industrial or international one, give to the Comptroller seven days' notice¹ in writing of his intention to exhibit the design or article, or to publish a description of the design, as the case may be.

For the purpose of identifying the design in the event of an application to register the same being subsequently made, the applicant shall furnish to the Comptroller a brief description of the nature of the design, accompanied by a sketch or drawing thereof, and such other information as the Comptroller may in each case require.

Repeal.

Repeal of
previous Rules.

37. All general rules and regulations made by any authority under the Acts relating to the Copyright of Designs, and in force on the 31st December, 1883, shall be, and they are hereby repealed as from that date without prejudice nevertheless to any application then pending.

J. CHAMBERLAIN,

President of the Board of Trade.

21st December, 1883.

¹ For Form of Notice, see Form L, in second schedule to these Rules, p. 198.

SCHEDULES.

FIRST SCHEDULE.

FEES.

	£	s.	d.
1. On application to register one design to be applied to single articles in each class except classes 13 and 14	0	10	0
2. On application to register one design to be applied to single articles in classes 13 and 14	0	1	0
3. On application to register one design to be applied to a set of articles for each class of registration	1	0	0
4. On notice of appeal to Board of Trade against refusal of Comptroller to register	1	0	0
5. Copy of certificate of registration, each copy	0	1	0
6. On request for Certificate of Comptroller for legal proceedings or other special purpose	0	5	0
7. On request to enter name of subsequent proprietor	{ same as registration fee.		
8. On notice to Comptroller of intended exhibition of an unregistered design	0	5	0
9. Inspection of design of which the copyright has expired, for each quarter of an hour	0	1	0
10. Copy of one such design	{ cost according to agreement.		
11. On request to correct clerical error	0	5	0
12. On request for search under Section 53... ..	0	5	0
13. On request to enter new address	0	5	0

			£	s.	d.
14. For office copy, every 100 words	...	...	0	0	4
					(but never less than 1s.)
15. For certifying office copies, MSS. or printed	...		0	1	0

NOTE.—The term “set” to include any number of articles ordinarily on sale together, irrespective of the varieties of size and arrangement in which the particular design may be shown on each separate article.

J. CHAMBERLAIN,
President of the Board of Trade.

Approved,

CHARLES C. COTES,
HERBERT J. GLADSTONE,

Lords Commissioners of Her Majesty's Treasury.

4th December, 1883.

SECOND SCHEDULE.

FORMS.

Form of Application to Register	...	...	...	...	192
„ Appeal to Board of Trade	...	...	...	...	193
„ Certificate of Registration	...	...	...	...	194
„ Application for Copy of Certificate of Registration					194
„ Request for Certificate for use in Legal Proceedings	...	...	...	...	195
„ Certificate for use in Legal Proceedings	...	...			196
„ Request to enter Name of Subsequent Proprietor					197
„ Notice of intending Exhibition of Unregistered Design	...	...	...	...	198
„ Request for Correction of Clerical Error or for entry of New Address	...	...	...	...	199

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

DESIGNS.

E.

APPLICATION FOR REGISTRATION OF DESIGN
IN CLASS_____.

You are hereby requested to register the accompanying

(a) Here insert
legibly the name,
address, and de-
scription of the
individual or firm.

design in Class_____, in the name of (a)_____

of_____

who claims to be the proprietor thereof, and to return the same to

(b) Such as
whether it is ap-
plicable for the
pattern or for the
shape.

Statement of nature of design (b)_____

(c) To be signed
by the applicant.

(c)

(Signed)_____

Dated the_____ day of_____ 188_____.

*To the Comptroller,**Patent Office, Designs Branch, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

F.

DESIGNS.

APPEAL TO BOARD OF TRADE ON REFUSAL OF
COMPTROLLER TO REGISTER A DESIGN.

[To be accompanied by an unstamped copy.]

SIR,

I hereby appeal against your decision upon my application
to register _____

and beg to submit my case (a) for the decision of the Board of
Trade.

(a) The statement of the case to be written upon foolscap paper (on one side only), with a margin of two inches on the left-hand side thereof.

I am, Sir,

Your obedient servant,

*The Comptroller,
Patent Office, Designs Branch, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

N

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

DESIGNS.

E.

APPLICATION FOR REGISTRATION OF DESIGN
IN CLASS_____.

You are hereby requested to register the accompanying

(a) Here insert
legibly the name,
address, and de-
scription of the
individual or firm.

design in Class_____, in the name of (a)_____

of_____

who claims to be the proprietor thereof, and to return the same to

(b) Such as
whether it is ap-
plicable for the
pattern or for the
shape.

Statement of nature of design (b)_____

(c) To be signed
by the applicant.

(c)

(Signed)_____

Dated the_____ day of_____ 188_____

To the Comptroller,
Patent Office, Designs Branch, 25, Southampton Buildings,
Chancery Lane, London, W.C.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1888.

F.

DESIGNS.

APPEAL TO BOARD OF TRADE ON REFUSAL OF
COMPTROLLER TO REGISTER A DESIGN.

[To be accompanied by an unstamped copy.]

SIR,

I hereby appeal against your decision upon my application
to register _____

and beg to submit my case (a) for the decision of the Board of
Trade.

(a) The statement of the case to be written upon foolscap paper (on one side only), with a margin of two inches on the left-hand side thereof.

I am, Sir,

Your obedient servant,

*The Comptroller,
Patent Office, Designs Branch, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

N

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

SEAL
OF PATENT
OFFICE.

G.

CERTIFICATE OF REGISTRATION OF DESIGN.

R^d. (No. _____.)

Patent Office, Designs Branch, 25, Southampton Buildings,
Chancery Lane, London, W.C.

This is to certify that the Design of which this is a copy was
registered this _____ day of _____ 188____, in pursuance of
the Patents, Designs and Trade Marks Act, 1883, in respect of the
application of such Design to articles in Class _____, for which a
copyright of five years is granted.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

DESIGNS.

H.

APPLICATION FOR COPY OF CERTIFICATE OF
REGISTRATION OF DESIGN.

SIR,

I hereby request you to furnish me with a Copy Certificate
of Registration of Design No. _____ in Class _____.

(Signed) _____

Dated the _____ day of _____ 188____.

To the Comptroller,
Patent Office, Designs Branch, 25, Southampton Buildings,
Chancery Lane, London, W.C.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

 I.

DESIGNS.

 REQUEST FOR CERTIFICATE FOR USE IN LEGAL
PROCEEDINGS.

SIR,

I hereby request you to send me for the purposes of use in
the suit of (a) _____

(a) Here state the
title of the legal
proceeding or the
other purpose for
which the certifi-
cate is required.

a certificate that the design of which a copy is herein enclosed
was (b) _____

(b) Here state the
entry, matter, or
thing which the
writer wishes cer-
tified.

(Signed) _____

_____ day of _____ 188_____.

To the Comptroller,

Patent Office, Designs Branch, 25, Southampton Buildings,
Chancery Lane, London, W.C.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

J.

CERTIFICATE FOR USE IN LEGAL PROCEEDINGS.

In the matter of _____

No. _____

I, _____ Comptroller-General of Patents,

Designs and Trade Marks, hereby certify that _____

Witness my hand and seal this _____ day of _____

188 _____

SEAL.

Comptroller.

*Patent Office, Designs Branch,
25, Southampton Buildings, London.*

PATENTS, DESIGNS AND TRADE MARKS ACT, 1833.

K.

DESIGNS.

REQUEST TO ENTER NAME OF SUBSEQUENT PROPRIETOR OF DESIGN, WITH DECLARATION IN SUPPORT THEREOF.

I, (a) _____

(a) Or We.
 Here insert name, full address and description.

hereby request that you will enter (b) _____ name (c) _____ in the Register of Designs as proprietor _____ of the Design No. _____ in Class _____.

(b) My or our.
 (c) Or names.

(d) _____ entitled as to the said Design _____

(d) I am, or We are.
 (e) Here state whether design transmitted by death, marriage, bankruptcy, or other operation of law, and if entitled by assignment state the particulars thereof as, e.g., "by deed dated the _____ day of _____ 188 _____ made between So-and-so of the one part."

(e) _____

(f) And I do solemnly and sincerely declare that the above several statements are true, and the particulars above set out comprise every material fact and document affecting the proprietorship of the said Design as above claimed.

(f) This paragraph is not required when the declaration is made out of the United Kingdom.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

(g) _____

(g) To be signed here by the person making the declaration.

Declared at _____

this _____ day of _____ 188 _____.

Before me,

(h) _____

(h) Signature and title of the authority before whom the declaration is made.

To the Comptroller,

Patent Office, Designs Branch, 25, Southampton Buildings,
 Chancery Lane, London, W.C.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

DESIGNS.

L.

NOTICE OF INTENDED EXHIBITION OF AN
UNREGISTERED DESIGN.(a) Here state
name and address
of applicant.

(a) _____

hereby give notice of my intention to exhibit a _____

of _____ at the _____

(b) State "open-
ed" or "is" to
open."

Exhibition, which (b) _____

of _____ 188____, under the provisions of the

(c) Insert brief
description of De-
sign, with drawing.

Patents, Designs and Trade Marks Act of 1883 (c) _____

herewith enclose a _____

(Signed) _____

Dated _____ day of _____ 188____.

To the Comptroller,
 Patent Office, Designs Branch, 25, Southampton Buildings,
 Chancery Lane, London, W.C.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1888.

M.

DESIGNS.

REQUEST FOR CORRECTION OF CLERICAL ERROR OR FOR
ENTRY OF NEW ADDRESS.

Sir,

I hereby request that _____

(Signed) _____

Dated the _____ day of _____ 188 _____

*To the Comptroller,
Patent Office, Designs Branch, 25, Southampton Buildings,
Chancery Lane, London, W.C.*

THIRD SCHEDULE.

CLASSIFICATION OF ARTICLES OF MANUFACTURE AND SUBSTANCES.

Classes.

1. Articles composed wholly or partly of metal, not included in Class 2.
2. Jewellery.
3. Articles composed wholly or partly of wood, bone, ivory, papier maché, or other solid substances not included in other classes.
4. " " " glass, earthenware or porcelain, bricks, tiles, or cement.
5. " " " paper, (except hangings).
6. " " " leather, including book-binding, of all materials.
7. Paper hangings.
8. Carpets and rugs in all materials, floorcloths, and oilcloths.
9. Lace, hosiery.
10. Millinery and wearing apparel, including boots and shoes.
11. Ornamental needlework on muslin or other textile fabrics.
12. Goods not included in other classes.
13. Printed or woven designs on textile piece goods.
14. " " " handkerchiefs and shawls.

21st December, 1883.

J. CHAMBERLAIN,
President of the Board of Trade.

INSTRUCTIONS TO PERSONS WHO WISH TO
REGISTER DESIGNS UNDER THE PATENTS,
DESIGNS AND TRADE MARKS ACT, 1883.

Preliminary.

1. The Patents, Designs and Trade Marks Act, 1883, and the Rules published in pursuance of that Act for the Registration of Designs, should be carefully studied.
2. In order to obtain registration, application must be made to the Comptroller in pursuance of Rules Nos. 6-12.

Applications.

3. Stamped Forms of Application to register have been issued, and can be obtained at the principal agencies in the United Kingdom, mentioned at pp. 175, 176.

Applications sent by post should be addressed—

The Comptroller,
Patent Office,
Designs Branch,
25, Southampton Buildings,
London, W.C.

4. An application consists of the following—
 - (1.) The form of application, Form E, properly filled up, and such evidence as will enable the Comptroller to identify the design.
 - (a) If it is desired to secure a date of registration at once, one sketch of the design may be sent with the application form. In this case the design, if accepted,

will be registered as of the date on which it was received; but no certificate will be issued until three exact drawings or specimens have been sent in substitution for the sketch. Or,

- (b) The application may be complete in the first instance if applicant sends three exactly similar drawings, photographs, or specimens.

The Drawings or Photographs.

5. The drawings, &c., accompanying an application, must be sent in triplicate, each representation of each design upon strong foolscap paper (on one side only), of the size of 13 in. by 8 in.

6. When sketches, drawings, or tracings are furnished, they must be fixed. Drawings on tracing paper cannot be received. If tracings are supplied, they must be done on tracing cloth or mounted on thick paper.

7. Rough sketches cannot be accepted.

8. When the design is to be applied to a set, each of the drawings accompanying the application, or the sketch, if a sketch is sent, should show the various arrangements in which it is proposed to apply the design to the articles included in the set.

9. When specimens of the design are furnished in lieu of drawings, &c., they must be of such a nature as can be pasted into books, and the dimensions of each such specimen must not exceed 12 in. by 21 in.

10. The representations of a design should not be accompanied by any lengthened explanatory statement.

11. Only two views of the same design can be accepted, unless in the case of a design for a set.

12. All goods to which registered designs are applied—Classes 1 to 12—should during the period of copyright bear the abbreviation “R^d” and the number given on registration.

All goods to which registered designs are applied—Classes 13 and 14—should during the period of copyright bear the abbreviation “Reg^d”

13. The following is a list of the stamped forms to be had at the places mentioned in pp. 175, 176 :—

Designs.

Letter.	Title of Form.	Fee.
		£ s. d.
E	Application for Registration of Design in Classes 1 to 12	0 10 0
E {	" " "woven and printed textiles" " 13 and 14	0 1 0
F {	Appeal to Board of Trade on Refusal of Comptroller to Register a Design	1 0 0
H {	Application for Copy of Certificate of Registration of Design	0 1 0
I	Request for Certificate for use in Legal Proceedings ...	0 5 0
K	Request to enter Name of subsequent Proprietor of Design, with Declaration in support thereof :—	
	In Classes 1 to 12	0 10 0
K	" " 13 and 14 (woven and printed textiles)	0 1 0
L	Notice of intended exhibition of an Unregistered Design	0 5 0
M	Request for Correction of Clerical Error or Address ...	0 5 0
N	Request for Search under Section 53	0 5 0
O	Application to Register Design for "Set" of Articles	1 0 0

N.B.—Forms E, Classes 1 to 12; E, Classes 13 and 14, and O, are kept on sale at the places named in pp. 175, 176. The other forms must be bespoken of the postmasters at those places.

The Patent Office, Designs Branch, is open from 10 a.m. to 4 p.m.

H. READER LACK,
Comptroller.

Patent Office, Designs Branch,
London,

1st January, 1884.

TRADE MARKS RULES.

By virtue of the provisions of the Patents, Designs and Trade Marks Act, 1863,¹ the Board of Trade do hereby make the following Rules:—

Preliminary.

1. These Rules may be cited as the Trade Marks Rules, 1883, and shall come into operation from and immediately after the 31st day of December, 1883.

Interpretation.

2. In the construction of these Rules any words herein used defined by the said Act shall have the meanings thereby assigned to them respectively. Interpretation.

Fees.

3. The fees to be paid in pursuance of the said Act, so far as it relates to trade marks, shall be the fees specified in the First Schedule hereto. Fees.

Forms.

4. The Form F. in the First Schedule to the said Act shall be altered or amended by the substitution thereof of the Form F in the Second Schedule to these Rules. Forms.

5. (1) An application for registration of a trade mark shall be made in the Form F. in the Second Schedule to these Rules. (2) The remaining forms in such Schedule may be used in all cases to which they are applicable.

Classification of Goods.

6. For the purposes of trade marks registration and of these Rules, goods are classified in the manner appearing in the Third Schedule hereto. Classification of goods.

¹ See power to make Rules, s. 101, sub-sec. 3 of the Act, p. 105.

If any doubt arises as to what class any particular description of goods belongs to, the doubt shall be determined by the Comptroller.

Application for Registration.

Application by
firm.

7. An application for registration of a trade mark, if made by any firm or partnership, may be signed by some one or more members of such firm or partnership, as the case may be.

If the application be made by a body corporate, it may be signed by the Secretary or other principal officer of such body corporate.

Agency.

8. An application for registration, and all other communications between the applicant and the Comptroller, may be made by or through an agent duly authorised to the satisfaction of the Comptroller.¹

Acknowledg-
ment of appli-
cation.

9. On receipt of the application the Comptroller shall furnish the applicant with an acknowledgment thereof.

Contents of
form of appli-
cation.

10. Where application is made to register a trade mark which was used by the applicant or his predecessors in business before the 13th of August, 1875, the application shall contain a statement of the time during which and of the person by whom it has been so used in respect of the goods mentioned in the application.

Size, &c., of
documents.

11. Subject to any other directions that may be given by the Comptroller, all applications, notices, counter-statements, representations of marks, papers having representations affixed, or other documents required by the said Act or by these Rules to be left with or sent to the Comptroller or to the Cutlers' Company, shall be upon foolscap paper, of a size of 13 inches by 8 inches, and shall have on the left-hand part thereof a margin of not less than one inch and a-half.

Qualification of
metal goods.

12. In the case of an application for the registration of a trade mark used on any metal goods, other than cutlery, edge tools, and raw steel, the applicant shall state in the

¹ The Comptroller will require, in the case of applications for the registration of Trade Marks, by or through agents, a letter from the applicant, authorising the agent to act on his behalf.

specification of goods, in the form of application of what metal or metals the goods in respect to which he applies, are made.

13. Subject to any other directions that may be given by the Comptroller, three representations of each trade mark, except in the case of marks applied for in Classes 23 to 35 inclusive, must be supplied upon paper of the size aforesaid, and must be of a durable nature. One of such representations must be made upon or affixed to the form of application, the others upon separate half-sheets. In the case of trade marks exceeding the limits of the foolscap papers of the size aforesaid, such marks may be pasted and folded upon the sheets of foolscap.

Representations of trade mark.

In the case of marks applied for in Classes 23 to 35 inclusive, the applicant shall supply four representations of each mark for each class.

Where a drawing or other representation or specimen cannot be given in manner aforesaid, a specimen or copy of the trade mark may be sent, either of full size or on a reduced scale, and in such form as the Comptroller may think most convenient.

The Comptroller may, if dissatisfied with the representation of a trade mark, require a fresh representation, either before he proceeds with the application or before he registers the trade mark.

The Comptroller may also, in exceptional cases, deposit in the Patent Office a specimen or copy of any trade mark which cannot conveniently be shown by a representation, and may refer thereto in the register in such manner as he may think fit.

14. When an application relates to a series of trade marks differing from one another in respect of the particulars mentioned in Section 66 of the said Act, a representation of each trade mark of the series shall be made or affixed upon the form of application and also upon each of the separate half-sheets of paper aforesaid.

Representations of a series of trade marks.

15. Wherever a mark consists of or includes words printed in other than Roman character, there shall be given at the foot or on the back of each representation a

Translation of foreign characters.

translation of such words, signed by the applicant or his agent.

Mode of
sending
notices, &c.

16. Any application, statement, notice, or other document authorised or required to be left, made, or given at the Patent Office, or to the Comptroller, or to any other person under these Rules, may be sent by a prepaid letter through the post, and if so sent shall be deemed to have been left, made, or given respectively at the time when the letter containing the same would be delivered in the ordinary course of post.

In proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.

Exercise of Discretionary Powers.

Hearing by
Comptroller.

17. Before exercising any discretionary power given to the Comptroller by the said Act, adversely to the applicant¹ for registration of a trade mark, the Comptroller shall give him 10 days' notice of the time when he may be heard personally or by his agent before the Comptroller.

Notice of wish
to be heard
before Com-
ptroller.

18. Within five days from the date when such notice would be delivered in the ordinary course of post, the applicant shall notify to the Comptroller whether or not he intends to be heard upon the matter.

Notification of
decision.

19. The decision of the Comptroller in the exercise of any such discretionary power as aforesaid shall be notified to the applicant.

Appeal to the Board of Trade.

Appeal to
Board of Trade.

20. Where the Comptroller refuses to register a trade mark, and the applicant intends to appeal to the Board of Trade from such refusal, he shall, within one month from the date of the decision appealed against, leave at the Patent Office, Trade Marks Branch, a notice² of such his intention.

Statement of
grounds of
appeal.

21. Such notice shall be accompanied by a statement of the grounds of appeal, and of the applicant's case in support thereof.

¹ See Rule 40 for definition of "applicant" mentioned in this and the two following Rules, and see also Rule 41.

² See Form H, in second schedule to these Rules, p. 224.

22. The applicant shall forthwith on leaving such notice send a copy thereof to the Secretary of the Board of Trade, No. 7, Whitehall Gardens, London.

Copy of notice to Board of Trade.

23. The Board of Trade may thereupon give such directions (if any) as they may think fit with respect to evidence, or otherwise, for the purpose of the hearing of the appeal by the Board of Trade, or for the purpose of their referring the appeal to the Court to hear and determine the same.

Directions by Board.

24. Where the Board of Trade intend to hear the appeal, seven days' notice, or such shorter notice as the Board of Trade may in any particular case direct, of the time and place appointed for the hearing, shall be given to the Comptroller and the applicant.

Notice of time of hearing.

Advertisement of Application.

25. Every application shall be advertised by the Comptroller in the official paper, during such times, and in such manner as the Comptroller may direct.

Advertisement of application.

If no representation of the trade mark be inserted in the official paper in connection with the advertisement of an application, the Comptroller shall refer in such advertisement to the place or places where a specimen or representation of the trade mark is deposited for exhibition.

26. The official paper for the purposes of these Rules shall be some paper published under the direction of the Board of Trade, or such other paper as such Board may from time to time direct.

Definition of official paper.

27. For the purposes of such advertisement the applicant may be required to furnish a wood block or electrotype (or more than one, if necessary) of the trade mark, of such dimensions as may from time to time be directed by the Comptroller, or with such other information or means of advertising the trade mark as may be required by the Comptroller; and the Comptroller, if dissatisfied with the block or electrotype furnished by the applicant or his agent, may require a fresh block or electrotype before proceeding with the advertisement.

Means of advertising trade mark to be supplied to official paper.

28. When an application relates to a series of trade marks differing from one another in respect of the particulars mentioned in Section 66 of the said Act, the

Advertisement of series.

applicant may be required to furnish a wood block or electrotype (or more than one, if necessary) of any or of each of the trade marks constituting the series; and the Comptroller may, if he thinks fit, insert with the advertisement of the application a statement of the manner in respect of which the several trade marks differ from one another.

Opposition to Registration.

Manner of
bringing case
before Court.

29. (1.) Where a case stands for the determination of the Court, under the provisions of Section 69 of the said Act, the Comptroller shall require the applicant within one month, or such further time as the Comptroller may allow, to issue a summons in the chambers of a Judge of Her Majesty's High Court of Justice for an order that notwithstanding the opposition of which notice has been given the registration of the trade mark be proceeded with by the Comptroller, or to take such other proceedings as may be proper and necessary for the determination of the case by the Court.

(2.) The applicant shall thereupon issue such summons, or take such other proceedings as aforesaid, within the period of one month above named, or such further time as the Comptroller may allow, and shall also within the like period give notice thereof to the Comptroller.

(3.) If the applicant shall fail to issue such summons, or to take such other proceedings, of which failure the non-receipt by the Comptroller of the said notice shall be sufficient proof, the applicant shall be deemed to have abandoned his application.

Mode of giving
notice that the
matter has
been brought
before the
Court.

(4.) Such notice to the Comptroller shall be given by delivering at or sending to the Patent Office a copy of the summons or other initiatory proceeding bearing an endorsement of service signed by the applicant or his solicitor, or an endorsement of acceptance of service signed by the opponent or his solicitor.

Register of Trade Marks.

Time of registra-
tion of trade
marks.

30. As soon as may be after the expiration of two months from the date of the first advertisement of the

application the Comptroller shall, subject to any such summons or other proceeding as aforesaid and the determination of the Court thereon, if he is satisfied that the applicant is entitled to registration, and on payment of the prescribed fee, enter the name, address and description of the applicant in the Register of Trade Marks as the registered proprietor of the trade mark in respect of the particular goods or classes of goods described in his application.

31. In case of the death of any applicant for a trade mark after the date of his application, and before the trade mark applied for has been entered on the register, the Comptroller, after the expiration of the prescribed period of advertisement, may, on being satisfied of the applicant's death, enter on the register, in place of the name of such deceased applicant, the name, address, and description of the person owning the good-will of the business, if such ownership be proved to the satisfaction of the Comptroller.

Where applicant dies before registration, the trade mark may be registered for successor to good-will of business.

32. Upon registering any trade mark the Comptroller shall enter in the register the date on which the application for registration was received by the Comptroller (which day shall be deemed to be the date of the registration), and such other particulars as he may think necessary.

Entries to be made in register.

33. The Comptroller shall send notice to the applicant of the registration of his trade mark, together with a reference to the advertisement of such trade mark in the official paper.

Notice of registration.

34. Where a person becomes entitled to a registered trade mark by assignment,¹ transmission, or other operation of law, a request² for the entry of his name in the register as proprietor of the trade mark shall be addressed to the Comptroller, and left at the Patent Office.

Request by subsequent proprietor.

¹ A trade mark can now only be assigned in connection with the good-will of the business in which it is used. See s. 70 of the Act.

² For Form of Request, see Form K, in the second schedule to these Rules, p. 227.

Signature of
request.

35. Such request shall in the case of an individual be made and signed by the person requiring to be registered as proprietor, and in the case of a firm or partnership, by some one or more members of such firm or partnership, or in either case by his or their agent respectively, duly authorised to the satisfaction of the Comptroller, and in the case of a body corporate by their agent, authorised in like manner.

Contents of
request.

36. Every such request shall state the name, address and description of the person claiming to be entitled to the trade mark (hereinafter called the claimant), and the particulars of the assignment, transmission, or other operation of law, by virtue of which he requires to be entered in the register as proprietor, so as to show the manner in which, and the person or persons to whom the trade mark has been assigned or transmitted, and so as to show further that it has been so assigned or transmitted in connection with the good-will of the business concerned in the particular goods or classes of goods for which the trade mark has been registered.

Declaration to
accompany
request.

37. Every such request shall be accompanied by a statutory declaration¹ to be thereunder written, verifying the several statements therein, and declaring that the particulars above described comprise every material fact and document affecting the proprietorship of the trade mark as claimed by such request.

Further proof
of title if re-
quired.

38. The claimant shall furnish to the Comptroller such other proof of title and of the existence and ownership of such good-will as aforesaid as he may require for his satisfaction.

Body cor-
porate.

39. A body corporate may be registered as proprietor by its corporate name.

Definition of
applicant.

40. The term "applicant," in Rules 17, 18 and 19, shall include each of several persons claiming to be registered as proprietor of the same trade mark.

Comptroller
may require
statement from
rival claimants.

41. Whether all of such persons so claiming require to be heard before the Comptroller or not, he may, before

¹ See end of Form K, in the second schedule to these Rules, p. 227.

exercising the discretion vested in him by Section 71 of the said Act, require such persons, or any or either of them, to submit a statement in writing within a time to be notified by him, or to attend before him and make oral explanations with respect to such matters as the Comptroller may require.

42. Where each of several persons claims to be registered as proprietor of the same trade mark, and the Comptroller refuses to register any of them until their rights have been determined according to law, the manner in which the rights of such claimants may be submitted to the Court by the Comptroller, or if the Comptroller so require, by the claimants, shall, unless the Court otherwise order, be by a special case;¹ and such special case shall be filed and proceeded with in like manner as any other special case submitted to the Court, or in such other manner as the Court may direct.

Submission to Court of conflicting claims.

43. Where a special case is to be submitted to the parties it may be agreed to by them, or if they differ, may be settled by the Comptroller on payment of the prescribed fees.

Settlement of special case.

44. Where an order has been made by the Court in either of the following cases, viz. :—

- (a) allowing an appeal under Section 62 of the said Act;
- (b) disallowing an opposition to registration under Section 69; or,
- (c) under the provisions of Sections 72, 90, or 92 of the said Act,

the person in whose favour such order has been made, or such one of them, if more than one, as the Comptroller may direct, shall forthwith leave at the Patent Office an office copy of such order. The register shall thereupon be rectified or altered, or the purport of such order shall otherwise be duly entered in the register, as the case may be.

¹ For Form of Application, see Form T, in the second schedule to these Rules, p. 236.

Removal of
mark from
register.

45. Where a trade mark has been removed from the register for nonpayment of the prescribed fee or otherwise, under the provisions of Section 79 of the said Act, the Comptroller shall cause to be entered in the register a record of such removal and the cause thereof.

Alteration of
address in
register.

46. If the registered proprietor of a trade mark send to the Comptroller, together with the prescribed fee, notice of an alteration in his address,¹ the Comptroller shall alter the register accordingly.

Publication of
rectification or
variation of
register.

47. Whenever an order is made by the Court for making, expunging, or varying an entry from or in the register,² the Comptroller shall, if he thinks that such rectification or variation should be made public, and at the expense of the person applying for the same, publish, by advertisement or otherwise, and in such manner as he thinks just, the circumstances attending the rectification or variation in the register.

Notice to
Comptroller of
Order of Court,
for alteration
of trade mark
under section
92 of Act.

48. Whenever the registered proprietor of any trade mark intends to apply for the leave of the Court to add to or to alter such trade mark, under Section 92 of the said Act, the notice to be given to the Comptroller shall be given 14 days at least before such application. If leave be granted on such application, the applicant shall forthwith supply to the Comptroller such a number of representations of the trade mark as altered as he may deem sufficient.

Inspection of Register.

Hours of
inspection.

49. The Register of Trade Marks shall be open to the inspection of the public, on payment of the prescribed fee, on every week-day between the hours of ten and four, except on the days and at the times following:—

- (a) Christmas Day, Good Friday, the day observed as Her Majesty's birthday, days observed as days of public fast or thanksgiving, and days observed as holidays at the Bank of England; or

¹ See Form M, in the second schedule to these Rules, p. 229.

² See Form N, p. 230, for Notice to Comptroller.

- (b) Days which may from time to time be notified by a placard posted in a conspicuous place at the Patent Office ;
- (c) Times when the register is required for any purpose of official use.

Power to dispense with Evidence.

50. Where under these Rules any person is required to do any act or thing, or to sign any document, or to make any declaration on behalf of himself or of any body corporate, or any document or evidence is required to be produced to or left with the Comptroller, or at the Patent Office, and it is shown to the satisfaction of the Comptroller that from any reasonable cause such person is unable to do such act or thing, or to sign such document, or make such declaration, or that such document or evidence cannot be produced or left as aforesaid, it shall be lawful for the Comptroller, with the sanction of the Board of Trade, and upon the production of such other evidence, and subject to such terms as they may think fit, to dispense with any such act or thing, document, declaration, or evidence.

Dispensing
with evidence.

Amendments.

51. Any document or drawing or other representation of a trade mark for the amending of which no special provision is made by the said Act may be amended, and any irregularity in procedure which in the opinion of the Comptroller may be obviated without detriment to the interests of any person may be corrected, if the Comptroller think fit, and on such terms as he may direct.

Amendment of
documents.

Enlargement of Time.

52. The time prescribed by these Rules for doing any act, or taking any proceeding thereunder, may be enlarged by the Comptroller, if he think fit, and upon such notice to other parties, and proceedings thereon, and upon such terms as he may direct.

Comptroller
may enlarge
time.

Cutlers' Company.

Sheffield applications in duplicate.

53. All applications to the Cutlers' Company for registration of a trade mark, under Section 81 of the said Act, shall be in duplicate, accompanied by the prescribed fees and representations.

Notice to Comptroller.

54. The Cutlers' Company shall within seven days of the receipt by them of an application to register a trade mark, send the Comptroller one copy of such application, by way of notice thereof, together with two representations of the mark for each class for which the applicant seeks registration.

Time within which Comptroller may object to application made at Sheffield.

55. (1.) The time within which the Comptroller shall give notice to the Cutlers' Company of any objection he may have to the acceptance of an application for registration made to the said Company shall be one month from the date of the receipt by the Comptroller of the notice from the said Company of the making of the application.

Advertisement of application made at Sheffield.

(2.) If no such objection is made by the Comptroller, the Cutlers' Company shall require the applicant to send the Comptroller a wood block or electrotype, as the Comptroller may direct, and the Comptroller shall, if satisfied with such wood block or electrotype, advertise the application in the same manner as an application made to him at the Patent Office.

Manner of notifying to Cutlers' Company application received by Comptroller.

(3.) The manner in which the Comptroller shall notify to the Cutlers' Company an application and proceedings thereon made, as mentioned in sub-section 8 of Section 81 of the said Act, shall be by sending to the Cutlers' Company a copy of the official paper containing the application of which notice is required to be given, with a note distinguishing such application.

Similarity of proceedings at London and at Sheffield.

56. The provisions of these Rules as to forms, representations, the proceedings on opposition to registration, registration, and all subsequent proceedings shall, as far as the circumstances allow, apply to all applications to register made to the Cutlers' Company, and to all proceedings consequent thereon.

Certificates.

57. The Comptroller, when required for the purpose of any legal proceeding, or other special purpose, to give a certificate as to any entry, matter, or thing which he is authorised by the said Act or any of these Rules to make or do, may, on receipt of a request in writing, and on payment of the prescribed fee, give such certificate, and shall specify, on the face of it, the legal proceeding or other purpose for which such certificate is granted.

Certificate by
Comptroller.

Declarations.

58. The statutory declarations required by the said Act and these Rules, or used in any proceedings thereunder, shall be made and subscribed as follows :—

Manner in
which and
persons before
whom declara-
tion is to be
taken.

- (a) In the United Kingdom, before any justice of the peace, or any commissioner or other officer authorised by law in any part of the United Kingdom to administer an oath for the purpose of any legal proceeding ;
- (b) In any other part of her Majesty's dominions, before any Court, Judge, justice of the peace, or any officer authorised by law to administer an oath there for the purpose of a legal proceeding ; and
- (c) If made out of her Majesty's dominions, before a British minister, or person exercising the functions of a British minister, or a consul, vice-consul, or other person exercising the functions of a British consul, or a notary public, or before a Judge or magistrate.

59. Any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal or signature of any person hereby authorised to take such declaration in testimony of such declaration having been made and subscribed before him, may be admitted by the Comptroller without proof of the genuineness of any such seal or signature, or of the official character of such person, or his authority to take such declaration.

Notice of seal
of officer taking
declaration to
prove itself.

Repeal.

Previous rules
repealed.

60. All general Rules as to the registration of trade marks heretofore made by the Lord Chancellor under the Trade Marks Registration Act, 1875, and in force on the 31st day of December, 1883, shall be, and they are hereby repealed, as from that date, without prejudice, nevertheless, to any proceeding which may have been taken under such Rules.

J. CHAMBERLAIN,

President of the Board of Trade.

21st December, 1883.

SCHEDULES.

FIRST SCHEDULE.

FEEES.

	£	s.	d.
1. On application to register a trade mark for one or more articles included in one class	0	5	0
2. On appeal to Board of Trade on refusal of Comptroller to register	1	0	0
3. For registration of a trade mark for one or more articles included in one class	1	0	0
4. For registering a series of trade marks, for every additional representation after the first in each class	0	5	0
5. For entering notice of opposition, for each trade mark, whether in one or more classes... ..	1	0	0
6. On application to register a subsequent proprietor in cases of assignment or transmission, the first mark	1	0	0
7. For every additional mark assigned or transmitted at the same time... ..	0	2	0
8. For certificate of refusal to register a trade mark under Section 77	1	0	0
9. For certificate of refusal at the same time for more than one trade mark, for each additional trade mark after the first	0	10	0
10. For continuance of mark at expiration of 14 years	1	0	0
11. Additional fee where fee is paid within three months after expiration of 14 years	0	10	0
12. Additional fee for restoration of trade mark where removed for non-payment of fee	1	0	0
13. For altering address on the register, for every mark	0	5	0
14. For every entry in the register of a rectification thereof or an alteration therein, not otherwise charged	0	10	0

FEES—continued.

	£	s.	d.
15. For cancelling the entry or part of the entry of a trade mark upon the register, on the application of the owner of such trade mark ...	0	5	0
16. On request to Comptroller to correct a clerical error ...	0	5	0
17. For certificate of registration to be used in legal proceedings ...	0	10	0
18. For certificate of registration to be used for the purpose of obtaining registration in foreign countries ...	0	5	0
19. For copy of notification of registration ...	0	2	0
20. Settling a special case by Comptroller ...	2	0	0
21. For inspecting register, for every quarter of an hour ...	0	1	0
22. For making a search amongst the classified representations of trade marks, for every quarter of an hour ...	0	1	0
23. For office copy of documents, for every 100 words (but never less than one shilling).	0	0	4
24. For certifying office copies, MS. or printed ...	0	1	0
25. For certificate of Comptroller under Section 96	0	5	0
26. In cases where a trade mark requires a greater space than two inches of the depth of the page of the <i>Trade Marks Journal</i> , for each additional inch or part of an inch ...	0	2	0
27. Manchester Trade Marks Office ...	Same as above		
28. Sheffield Marks ...	Same as above		
29. On appeal from Cutlers' Company, Sheffield, to Comptroller ...	1	0	0

J. CHAMBERLAIN,

President of the Board of Trade.

Approved,

CHARLES C. COTES,

HERBERT J. GLADSTONE,

Lords Commissioners of Her Majesty's Treasury.

4th December, 1883.

SECOND SCHEDULE.

FORMS.

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TRADE
MARKS.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

F.

APPLICATION FOR REGISTRATION OF TRADE MARK.

One representation to be fixed within this square, and two others to be sent on separate sheets of foolscap.

Representations of a larger size may be folded, but must be mounted upon linen and affixed hereto.

(a) Only goods contained in one and the same class should be set out here.

A separate application form is required for each separate class.

You are hereby requested to register the accompanying Trade Mark in Class _____, in respect of (a) _____

(b) Here insert legibly the full name, address, and business of the individual, firm, or Company. In the case of an individual, add trading style (if any).

in the name of (b) _____

(c) Alter to "claim to be the proprietors thereof" in the case of a firm or Company.

who claims to be the proprietor thereof (c).

To the Comptroller,
Patent Office, Trade Marks Branch,
25, Southampton Buildings, London.

(Signed) _____

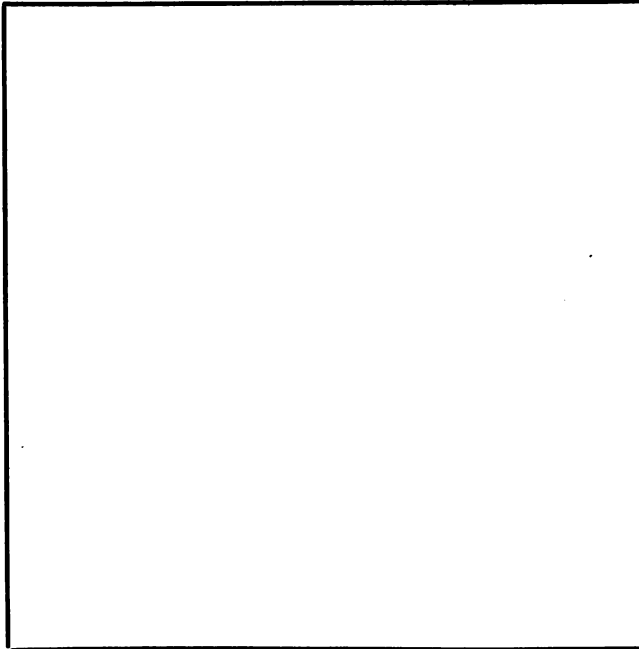
Dated this _____ day of _____ 188 .

NOTE.—If the Trade Mark has been in use in respect of the goods since before August 13th, 1875, state length of such user.

(d) To be signed by the applicant; or, in the case of a firm, by a partner, adding "A member of the firm," or, in the case of a company, by the Secretary or other Principal Officer, adding, "For the Company." Or, in any case, an agent may sign, adding "Agent."

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

G.

ADDITIONAL REPRESENTATION OF TRADE MARK TO
ACCOMPANY APPLICATION FOR REGISTRATION.

One representation of the Trade Mark to be affixed within this square. It must correspond exactly, in all respects with the representation affixed to the Application Form.

Any representation of a larger size than foolscap may be folded, but must then be mounted upon linen and affixed hereto

TWO of these ADDITIONAL REPRESENTATIONS of the Trade Mark must accompany *each* Form of Application.

In the case of a Trade Mark claimed in one of the CLASSES 23 to 35, THREE of these ADDITIONAL REPRESENTATIONS of the Mark must accompany the Form of Application.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

TRADE MARKS.

 H.

 FORM OF APPEAL TO BOARD OF TRADE ON REFUSAL OF
COMPTROLLER TO REGISTER A TRADE MARK.

SIR,

I HEREBY give notice of my intention to appeal against
your decision upon my application to register a Trade Mark
No. _____ in Class _____ for _____

(a) The statement
of the case to be
written upon fool-
cap paper (on one
side only), with
a margin of two
inches on the left-
hand side thereof.

and I beg to submit my case (a) for the decision of the Board of
Trade.

I am, Sir,

Your obedient Servant,

*To the Comptroller,
Patent Office, Trade Marks Branch,
25, Southampton Buildings, London.*

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

TRADE MARKS.

I.

FEE FOR REGISTRATION OF A TRADE MARK.

SIR,

In reply to your request I hereby transmit the prescribed
fee for the registration of the Trade Mark No. _____

in Class _____

I am,

Sir,

Your obedient Servant,

*To the Comptroller,
Patent Office, Trade Marks Branch,
25, Southampton Buildings, London.*

P

PATENTS, DESIGNS AND TRADE MARKS ACT, 83.

TRADE
MARKS.

 J.

 NOTICE OF OPPOSITION TO APPLICATION FOR
REGISTRATION.

(To be accompanied by an unstamped duplicate.)

IN THE MATTER OF an Application,

No. by

of

SIR,

NOTICE is hereby given that I

of

oppose the Registration of the Trade Mark advertised under the

above number for Class in the "Trade Marks Journal" of

the day of 188 , No. , page .

The grounds of opposition are as follows :—

To be dated and
signed at the end
by the opponent or
his solicitor.

*To the Comptroller,
Patent Office, Trade Marks Branch,
25, Southampton Buildings, London.*

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

K.

TRADE
MARKS.

REQUEST TO ENTER NAME OF SUBSEQUENT PROPRIETOR
OF TRADE MARK UPON THE REGISTER, WITH DE-
CLARATION IN SUPPORT THEREOF.

I, (a) _____ (g) Or We.
Here insert name,
full address, and
description.

hereby request that you will enter (b) _____ name (c) in the (h) My or our.
(c) Or names.
Register of Trade Marks as proprietor _____ of the Trade Mark
No. _____ in Class.

(d) _____ entitled to the said Trade Mark and to the (d) I am, or We
are.
good-will of the business concerned in the goods with respect to
which the said Trade Mark is registered.

(e) _____ (e) Here state
whether Trade
Mark transmitted
by death, marriage,
bankruptcy, or
other operation of
law, and if entitled
by assignment state
the particulars
thereof as e.g. "by
deed dated the
day of 188
made between So-
and-So of the one
part."

And I do solemnly and sincerely declare that the above several
statements are true, and the particulars above set out comprise
every material fact and document affecting the proprietorship of
the said Trade Mark as above claimed.

(f) And I make this solemn declaration conscientiously believing (f) This para-
graph is not re-
quired when the
declaration is made
out of the United
Kingdom.

(g) _____ (g) To be signed
here by the person
making the declara-
tion.

Declared at _____

this _____ day of _____ 188 _____

Before me,

(h)

(A) Signature
and title of the
authority before
the declaration is
made.

To the Comptroller,
Patent Office, Trade Marks Branch,
25, Southampton Buildings, London.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.



L.

REQUEST FOR CERTIFICATE OF REFUSAL TO REGISTER
A TRADE MARK IN USE BEFORE 13TH AUGUST, 1875.

IN THE MATTER of an Application
for registration of an old Trade
Mark, No.
in Class .

SIR,

I,

of

the Applicant in the above matter, hereby request you to furnish
me with your Certificate of Refusal to register the said Trade Mark.

(a) Signature of
Applicant.

(a)

Dated this day of 188 .

*To the Comptroller,
Patent Office, Trade Marks Branch,
25, Southampton Buildings, London.*

**TRADE
MARKS.**

IN THE MATTER OF the Trade Mark,
No. _____ registered
in Class

the registered Proprietor of the Trade Mark numbered as above,
desire that my address on the Register of Trade Marks be altered
to

(s) Signature of Proprietor.

*To the Comptroller,
Patent Office, Trade Marks Branch,
25, Southampton Buildings, London.*

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

TRADE MARKS.

 N.

 NOTICE OF APPLICATION FOR ALTERATION OR
RECTIFICATION OF REGISTER OF TRADE MARKS.

IN THE MATTER OF the Trade Mark,

No. , registered in

Class in the name of

SIR,

NOTICE is hereby given that by an Order of the Court made on the day of 188 , it was directed that the entry on the Register of Trade Marks in respect of the Trade Mark numbered as above should be rectified in the manner therein specified.

An Office Copy of the Order of the Court is enclosed herewith.

Dated this day of 188 .

(a) To be signed by
the person in-
terested or his
agent.

(a)

To the Comptroller,
Patent Office, Trade Marks Branch,
25, Southampton Buildings, London.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

O.

TRADE MARKS.

FORM OF APPLICATION BY PROPRIETOR OF REGISTERED
TRADE MARK TO CANCEL ENTRY ON REGISTER.

Trade Mark No. _____ Class _____ advertised in "Trade
Marks Journal," No. _____, page _____

Name of Registered Proprietor or Firm _____

Place of Business _____

I, the undersigned, _____
of _____

_____ [or I, the undersigned, _____

_____ a member of the Firm of _____

_____ of _____

_____ on behalf of my said
Firm] _____

apply that the entry upon the Register of the Trade Marks in
Class _____ of the Trade Mark No. _____ may be cancelled.

The _____ day of _____ 188 _____

(Signed) _____

This is the statement marked "O" referred to in the Declara-
tion of _____ made
before me the _____ of _____ 188 _____

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

P.

FORM OF DECLARATION IN SUPPORT OF APPLICATION
FOR CANCELLATION OF TRADE MARK BY OWNER.

I, _____ of _____
_____; [or
I, _____ a member of the Firm of

_____ of _____]
_____]

do hereby solemnly and sincerely declare, to the best of my knowledge and belief, as follows :—

(1) The Application signed by me, and dated the _____ day of _____ 18____, and marked with the letter "O," and shown to me at the time of making this Declaration, is true.

(2) I am the person whose name appears on the Register of Trade Marks as the Proprietor of the Trade Mark referred to in the said Application marked with the letter "O."

[or My said Firm is the Firm whose name appears on the Register of Trade Marks as the Proprietor of the Trade Mark referred to in the said Application marked with the letter "O."]

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

(Signed) _____

Declared at _____

this _____ day of _____

_____ 188____.

Before me, _____

If the declaration be made before a Commissioner to administer oaths it will be required to be stamped with a 2s. 6d. impressed Inland Revenue stamp.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

Q.

TRADE
MARKS.

FORM OF REQUEST FOR CORRECTION OF CLERICAL
ERROR IN REGARD TO A TRADE MARK.

SIR,

I HEREBY request that _____

*To the Comptroller,
Patent Office, Trade Marks Branch,
25, Southampton Buildings, London.*

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

TRADE
MARKS.

B.

REQUEST FOR CERTIFICATE OF REGISTRATION OF
TRADE MARK FOR USE IN OBTAINING REGIS-
TRATION ABROAD.

IN THE MATTER of the Trade Mark,

No. , registered in

Class in the name of

SIR,

I,

of

the registered proprietor of the above Trade Mark, hereby request
you to furnish me with your Certificate of Registration for use in

obtaining registration of the same in (a)
(a) Here state name of country in which
registration is to
be sought.

(b) Signature.

(b)

Dated this day of 188 .

*To the Comptroller,
Patent Office, Trade Marks Branch,
25, Southampton Buildings, London.*

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

S.

TRADE
MARKS.

REQUEST FOR CERTIFICATE OF REGISTRATION OF TRADE
MARK FOR USE IN LEGAL PROCEEDINGS.

IN THE MATTER of the Trade Mark,

No. , registered in

Class in the name of

SIR,

I,

of

the registered proprietor of the above Trade Mark, hereby request
you to furnish me with your Certificate of Registration for use in
the following legal proceedings (a)

(a) Here state
exact title of legal
proceedings.

(b)

(b) Signature.

Dated this

day of

188 .

*To the Comptroller,**Patent Office, Trade Marks Branch,**25, Southampton Buildings, London.*

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.



T.

APPLICATION FOR SETTLEMENT OF A SPECIAL CASE ON
APPLICATION TO REGISTER A TRADE MARK.

IN THE MATTER of the Application
of _____ and
of the application of _____

SIR,

NOTICE is hereby given that I, _____,
of _____,
and I, _____,
are unable to agree upon the facts on which the opinion of the
Court is to be taken, and that we request you to fix a day on
which we may attend before you and obtain your finding on the
matters of fact to be submitted to the Court as settled.

Dated this _____ day of _____ 188 .

(a) To be signed by
both parties.

(a)

(a)

To the Comptroller,
Patent Office, Trade Marks Branch,
25, Southampton Buildings, London.

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

U.

TRADE
MARKS.

GENERAL CERTIFICATE OF COMPTROLLER-GENERAL AS
TO APPLICATION FOR OR REGISTRATION OF A
TRADE MARK.

Patent Office, Trade Marks Branch,
London,

_____ 188 .

I, _____

Comptroller-General of Patents, Designs and Trade Marks, hereby

certify _____

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

TRADE
MARKS.

 V.

 REQUEST FOR COPY OF OFFICIAL NOTIFICATION OF
REGISTRATION OF TRADE MARK.

IN THE MATTER OF the Trade Mark,

No. , registered

in Class .

SIR,

I,

of

the registered proprietor of the Trade Mark above-named, hereby
request that you will furnish me with a copy of the official notification of the registration of the same.

(a) Signature.

(a)

Dated this

day of

188

*To the Comptroller,
Patent Office, Trade Marks Branch,
25, Southampton Buildings, London.*

PATENTS, DESIGNS AND TRADE MARKS ACT, 1888.

W.

TRADE
MARKS.

FORM OF APPEAL FROM CUTLERS' COMPANY AT
SHEFFIELD TO COMPTROLLER.

(To be accompanied by an unstamped duplicate.)

SIR,

I HEREBY give notice of appeal against the decision of the
Cutlers' Company of Sheffield in regard to my application for
registration of a Trade Mark No. in Class
for

and I beg to submit my case (a) for your decision accordingly.

(b)

(a) The statement
of the case to be
written upon fool-
cap paper (on one
side only), with a
margin of two
inches on the left-
hand side thereof.

(b) Signature.

Dated this day of 188 .

*To the Comptroller,
Patent Office, Trade Marks Branch,
25, Southampton Buildings, London.*

THIRD SCHEDULE.

GENERAL NOTE.

Any wares made of mixed materials (for example, of both cotton and silk) shall be included in such one of the classes appropriated to those materials as the Registrar may desire.

CLASSIFICATION OF GOODS.

Illustrations.

Note.—Goods are mentioned in this column by way of illustration, and not as an exhaustive list of the contents of a class.

CLASS 1.

Chemical substances used in manufactures, photography, or philosophical research, and anti-corrosives.

Such as—
Acids, including vegetable acids.
Alkalies.
Artists' colours.
Pigments.
Mineral Dyes.

CLASS 2.

Chemical substances used for agricultural, horticultural, veterinary and sanitary purposes.

Such as—
Artificial manure.
Cattle medicines.
Deodorisers.
Vermin destroyers.

CLASS 3.

Chemical substances prepared for use in medicine and pharmacy.

Such as—
Cod liver oil.
Medicated articles.
Patent medicines.
Plasters.
Rhubarb.

CLASSIFICATION OF GOODS—*continued*.

CLASS 4.

Raw or partly prepared vegetable, animal, and mineral substances used in manufactures, not included in other classes.

Such as—

Resins.

Oils used in manufactures and not included in other classes.

Dyes, other than mineral.

Tanning substances.

Fibrous substances (*e.g.*, cotton, hemp, flax, jute).

Wool.

Silk.

Bristles.

Hair.

Feathers.

Cork.

Seeds.

Coal.

Coke.

Bone.

Sponge.

CLASS 5.

Unwrought and partly wrought metals used in manufacture.

Such as—

Iron and steel, pig or cast.

Iron, rough.

„ bar and rail, including rails for railways.

„ bolt and rod.

„ sheet, and boiler and armour plates.

„ hoop.

Lead, pig.

„ rolled.

„ sheet.

Wire.

Copper.

Zinc.

Gold, in ingots.

CLASS 6.

Machinery of all kinds, and parts of machinery, except agricultural and horticultural machines included in Class 7.

Such as—

Steam engines.

Boilers.

Pneumatic machines.

Hydraulic machines.

CLASSIFICATION OF GOODS—*continued*.

Locomotives.
 Sewing machines.
 Weighing machines.
 Machine tools.
 Mining machinery.
 Fire engines.

CLASS 7.

Agricultural and horticultural
 machinery, and parts of such
 machinery.

Such as—
 Ploughs.
 Drilling machines.
 Reaping machines.
 Thrashing machines.
 Churns.
 Cyder presses.
 Chaff cutters.

CLASS 8.

Philosophical instruments,
 scientific instruments, and
 apparatus for useful pur-
 poses. Instruments and
 apparatus for teaching.

Such as—
 Mathematical instruments.
 Gauges.
 Logs.
 Spectacles.
 Educational appliances.

CLASS 9.

Musical instruments.

CLASS 10.

Horological instruments.

CLASS 11.

Instruments, apparatus, and
 contrivances, not medicated,
 for surgical or curative pur-
 poses, or in relation to
 the health of men or ani-
 mals.

Such as—
 Bandages.
 Friction gloves.
 Lancets.
 Fleams.
 Enemas.

CLASS 12.

Cutlery and edge tools.

Such as—
 Knives.
 Forks.
 Scissors.

CLASSIFICATION OF GOODS—*continued*.

Shears.
Files.
Saws.

CLASS 13.

Metal goods not included in other classes.	Such as— Anvils. Keys. Basins (metal) Needles. Hoes. Shovels. Corkscrews.
--	--

CLASS 14.

Goods of precious metals (including aluminium, nickel, Britannia metal, &c.) and jewellery, and imitations of such goods and jewellery.	Such as— Plate. Clock cases and pencil cases of such metals. Sheffield and other plated goods. Gilt and ormolu work.
---	--

CLASS 15.

Glass.	Such as— Window and plate glass. Painted glass. Glass mosaic. Glass beads.
--------	--

CLASS 16.

Porcelain and earthenware.	Such as— China. Stoneware. Terra Cotta. Statuary porcelain. Tiles. Bricks.
----------------------------	--

CLASS 17.

Manufactures from mineral and other substances for building or decoration.	Such as— Cement. Plaster. Imitation marble. Asphalt.
--	--

CLASSIFICATION OF GOODS—*continued*.

CLASS 18.

Engineering, architectural, and building contrivances.	Such as— Diving apparatus. Warming apparatus. Ventilating apparatus. Filtering apparatus. Lighting contrivances. Drainage contrivances. Electric and pneumatic bells.
--	--

CLASS 19.

Arms, ammunition, and stores not included in Class 20.	Such as— Cannon. Small arms. Fowling pieces. Swords. Shot and other projectiles. Camp equipage. Equipments.
--	--

CLASS 20.

Explosive substances.	Such as— Gunpowder. Gun-cotton. Dynamite. Fog-signals. Percussion caps. Fireworks. Cartridges.
-----------------------	---

CLASS 21.

Naval architectural contrivances and naval equipments not included in Classes 19 and 20.	Such as— Boats. Anchors. Chain cables. Rigging.
--	---

CLASS 22.

Carriages.	Such as— Railway carriages. Wagons. Railway trucks. Bicycles. Bath chairs.
------------	---

CLASSIFICATION OF GOODS—*continued.*

CLASS 23.

Cotton yarn and thread.

Such as—

Sewing cotton on spools or
reels.Sewing cotton not on spools
or reels.

Dyed cotton yarns.

CLASS 24.

Cotton piece goods of all
kinds.

Such as—

Cotton shirtings.

Long cloth.

CLASS 25.

Cotton goods not included in
Classes 23, 24, or 38.

Such as—

Cotton lace.

Cotton braids.

Cotton tapes.

CLASS 26.

Linen and hemp yarn and
thread.

CLASS 27.

Linen and hemp piece goods.

CLASS 28.

Linen and hemp goods not
included in Classes 26, 27
and 50.

CLASS 29.

Jute yarns and tissues, and
other articles made of jute
not included in Class 50.

CLASS 30.

Silk, spun, thrown, or sewing.

CLASSIFICATION OF GOODS—*continued.*

CLASS 31.

Silk piece goods.

CLASS 32.

Other silk goods not included
in Classes 30 and 31.

CLASS 33.

Yarns of wool, worsted, or hair.

CLASS 34.

Cloths and stuffs of wool,
worsted or hair.

CLASS 35.

Woollen and worsted and hair
goods not included in Classes
33 and 34.

CLASS 36.

Carpets, floor-cloth, and oil-cloth.	Such as— Drugget. Mats and matting. Rugs.
--------------------------------------	--

CLASS 37.

Leather, skins unwrought and wrought, and articles made of leather not included in other classes.	Such as— Saddlery. Harness. Whips. Portmanteaus. Furs.
---	---

CLASS 38.

Articles of clothing.	Such as— Hats of all kinds. Caps and bonnets. Hosiery. Gloves. Boots and shoes. Other ready-made clothing.
-----------------------	--

CLASSIFICATION OF GOODS—*continued.*

CLASS 39.

Paper (except paper-hangings), stationery, and book-binding.

Such as—
 Envelopes.
 Sealing wax.
 Pens (except gold pens).
 Ink.
 Playing cards.
 Blotting cases.
 Copying presses.

CLASS 40.

Goods manufactured from india-rubber and gutta-percha not included in other classes.

CLASS 41.

Furniture and upholstery.

Such as—
 Paper-hangings.
 Papier-mâché.
 Mirrors.
 Mattresses.

CLASS 42.

Substances used as food, or as ingredients in food.

Such as—
 Cereals.
 Pulses.
 Olive oil.
 Hops.
 Malt.
 Dried fruits.
 Tea.
 Sago.
 Salt.
 Sugar.
 Preserved meats.
 Confectionery.
 Oil cakes.
 Pickles.
 Vinegar.
 Beer clarifiers.

CLASSIFICATION OF GOODS—*continued.*

CLASS 43.

Fermented liquors and spirits. Such as—
 Beer.
 Cyder.
 Wine.
 Whisky.
 Liqueurs.

CLASS 44.

Mineral and aerated waters,
 natural and artificial, includ-
 ing ginger-beer.

CLASS 45.

Tobacco, whether manufac-
 tured or unmanufactured.

CLASS 46.

Seeds for agricultural and hor-
 ticultural purposes.

CLASS 47.

Candles, common soap, deter-
 gents; illuminating, heating,
 or lubricating oils; matches;
 and starch, blue, and other
 preparations for laundry
 purposes. Such as—
 Washing powders.
 Benzine collas.

CLASS 48.

Perfumery (including toilet
 articles, preparations for the
 teeth and hair, and perfumed
 soap).

CLASS 49.

Games of all kinds and sport-
 ing articles not included in
 other classes. Such as—
 Billiard tables.
 Roller skates.
 Fishing nets and lines.
 Toys.

CLASSIFICATION OF GOODS—*continued.*

CLASS 50.

- | | |
|--|-----------------|
| Miscellaneous, including— | Such as— |
| (1.) Goods manufactured from ivory, bone, or wood, not included in other classes. | Coopers' wares. |
| (2.) Goods manufactured from straw or grass, not included in other classes. | |
| (3.) Goods manufactured from animal and vegetable substances, not included in other classes. | |
| (4.) Tobacco pipes. | |
| (5.) Umbrellas, walking sticks, brushes and combs. | |
| (6.) Furniture cream, plate powder. | |
| (7.) Tarpaulins, tents, rick-cloths, rope, twine. | |
| (8.) Buttons of all kinds, other than of precious metal or imitations thereof. | |
| (9.) Packing and hose of all kinds. | |
| (10.) Goods not included in the foregoing classes. | |

J. CHAMBERLAIN,

*President of the Board of Trade.**December 21st, 1883.*

INSTRUCTIONS TO PERSONS WHO WISH TO REGISTER TRADE MARKS.

Preliminary.

1. All communications relating to Trade Marks, not being Sheffield marks, should be addressed to the Comptroller, Patent Office, Trade Marks Branch. All applications should be in the English language.

They may be made by post, or left at the Patent Office, Trade Marks Branch, 25, Southampton Buildings, Chancery Lane, London, W.C.

2. The fees in relation to Trade Marks Registration cannot be received at the Patent Office. They should be paid in exchange for the stamped forms required, which may be obtained at the places set out at pp. 175, 176.

3. The following is a list of the stamped forms under the Patents, Designs, and Trade Marks Act, 1883, which relate to Trade Marks, and which may be obtained at the places mentioned above:—

Trade Marks.

Letter.	Title of Form.	Fee.
		£ s. d.
F	Application for Registration of Trade Mark	0 5 0
G	Additional Representation Form	No stamp.
H	Appeal to Board of Trade on Refusal of Comptroller to Register a Trade Mark	1 0 0
I	Registration Fee	1 0 0
J	Notice of Opposition to Application for Registration ...	1 0 0
K	Request to enter Name of subsequent Proprietor, with Declaration in support thereof	1 0 0
L	Request for Certificate of Refusal to Register a Trade Mark	1 0 0
M	Notice of Application for Alteration of Address	0 5 0
N	Notice of Application for Alteration or Rectification of Register	0 10 0
O	Application to Cancel Entry of Mark on Register	0 5 0
Q	Request for Correction of Clerical Error	0 5 0
R	Request for Certificate of Registration for use Abroad	0 5 0
S	Request for Certificate of Registration for use in Legal Proceedings	0 10 0
T	Application for Settlement of a Special Case	2 0 0
T 1	Request for General Certificate of Comptroller	0 5 0
V	Request for Copy of Official Notification	0 2 0
W	Appeal from Cutler's Company at Sheffield to Comptroller	1 0 0

Of the above Forms those bearing the letters "F," "G," and "I" are kept in stock at the various offices named in pp. 175, 176. Any of the others when required must be bespoken.

Instructions Nos. 4, 5 and 6 relate only to the sale of official publications.

Definition of a Trade Mark.

7. The definition of a Trade Mark (not used prior to the 13th August, 1875) is given in the 64th section of the Patents, Designs and Trade Marks Act, 1883, as follows :—

“ For the purposes of this Act, a Trade Mark must consist of or contain at least one of the following essential particulars :

“ A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner ; or

“ A written signature or copy of a written signature of the individual or firm applying for registration thereof as a Trade Mark ; or

“ A distinctive device, mark, brand, heading, label, ticket, or fancy word or words not in common use.”

All new marks, therefore, which it is desired to register *must include one or more of the above essential particulars.*

The 64th section goes on—“ There may be added to any one “ or more of these particulars any letters, words or figures, “ or combination of letters, words or figures, or any of “ them.”

In addition to the above—

“ Any special and distinctive word or words, letter, figure, or combination of letters or figures, or of letters and figures used as a Trade Mark before the 13th day of August, 1875, may be registered as a Trade Mark under this part of this Act.”

A person wishing to adopt a Trade Mark should, before engraving a block and circulating impressions of the mark among his customers, make a search or a formal application at the Trade Marks Branch of the Patent Office with a view of ascertaining whether his proposed mark is already registered, or whether, from its being calculated to deceive by a resemblance to other marks already on record, it would be refused registration under the 72nd section of the Patents, Designs and Trade Marks Act, 1883.

The fee for making a search amongst the classified representations of Trade Marks is 1*s.* for each quarter of an hour. The fee for a formal application is 5*s.*

The Comptroller does not undertake to make searches amongst the Trade Marks recorded at his office, except in connection with formal applications for registration.

Applications for Registration.

8. Applications sent by post should be addressed to—
 The Comptroller,
 Patent Office,
 Trade Marks Branch,
 25, Southampton Buildings,
 London, W.C.

Agents and other persons who may be interested in more than one application are particularly requested to make communications relating to different applications in *separate* letters.

9. An application for the registration of a Trade Mark consists of :—

- (a) An Application Form (Form “F” in the second schedule to the Trade Marks Rules, 1883), giving certain particulars (specified in the form), and bearing an impressed stamp of 5*s.*
 (The applicant should before filling up the form carefully read the marginal notes.)
- (b) Certain additional representations of the Trade Mark, mounted on forms (Form “G”).

10. A *separate* application form is required for *each* class.

11. If the mark be the property of a firm, it should be signed by a member of the firm, who should add after his Signature, “A Member of the Firm;” if of a Company, by the Secretary or other principal officer, who should add after his signature and designation, “For the Company.”

12. Applications may be made by agents in the names of and on behalf of the owners of Trade Marks. The Agent must be duly authorised by the owner or owners; the necessary authority should be signed by the owner or owners.

Applications made by agents should have after the name of the agent the description "agent."

13. A representation of the Trade Mark should be placed in the centre of the application form.

14. When an application is made for a Trade Mark used on any metal goods other than cutlery, edge tools, and raw steel, it should be stated in the application form of what metal or metals the goods are made. *See* section 81 of the Act as to Sheffield marks.

15. When the Mark consists of or includes words printed in other than Roman characters, there should be given at the back of or at the foot of the application form and of each of the additional representations a translation of such words, signed by the applicant or his agent.

In the case of Marks claimed in Classes 23, 24, or 25, the applicant should state by what name the particular mark claimed would be referred to in the invoices of his house.

Additional Representations of Mark.

16. Each of the additional representations should be placed in the centre of a separate form (Form "G").

In the case of a Trade Mark which is not claimed in Classes 23 to 35, *two* additional representations are required for *each* class claimed.

In the case of a Trade Mark claimed in any one or more of the Classes 23 to 35, *three* additional representations should be sent for *each* of such classes.

The representations of the Mark on the Form "G" must agree *in every respect* with each other, and with that on the Form "F."

17. Representations of a Mark of a large size may be folded. In that case they must, however, be backed with linen and firmly affixed to the forms. Representations must in no case be executed *in pencil*. They should be not only of a durable nature, but of such a kind as will admit of their being preserved and bound together in volumes as records of the property of the owners.

Series of Trade Marks.

18. By Section 66 of the Patents, Designs and Trade Marks Act, 1883, the Comptroller is empowered to register under one registration a series of Trade Marks which, whilst they resemble each other in the material particulars, differ from each other in respect of the statements of the goods for which they are used, of the statements of numbers, of the statements of price, of the statements of quality, or of the statements of names of places. When an application is made for such a series, a representation of each of the marks included in the series must be affixed to the Form "F," and also to each of the Forms "G."

Common or Open Marks.

19. In the case of a Trade Mark used before the 13th August, 1875, Common or Open Marks of any kind may be registered in connection with it, but in the case of a Trade Mark not so used, Common or Open Marks consisting of *a word or combination of words only* can be registered as a part of the Mark.

In each case, the applicant for entry of such common particular or particulars must disclaim the right to the exclusive use of the same in a note at the back of or at the foot of the application form and of each of the additional representations, such note to be signed by the applicant or his agent.

See Section 74 of the Act, sub-section 3, for definition of Common Marks.

Classification of Goods.

20. A guide to the classification of goods under the Trade Marks Rules, 1883, can be obtained on application at the Patent Office, Trade Marks Branch, and should be asked for if the Applicant feels any difficulty in determining to which of the classes set out in the Third Schedule to the Rules the goods for which he uses his Mark belong.

Advertisement in the "Trade Marks Journal."

21. A Trade Mark cannot in any case be entered upon the Register until two months after its advertisement in the official paper.

22. A wood-block or electrotype must be furnished for each Mark in each class claimed (except in the case of classes 23, 24, and 25, for which no blocks or electrotypes are required), but no block or electrotype should be forwarded until a formal demand for it is sent by the Comptroller.

23. In the case of a series of Trade Marks differing only in respect of the particulars mentioned in Section 66 of the Patents, Designs and Trade Marks Act, 1893, a wood-block or electrotype must be furnished for each Mark in the series for each class claimed.

24. The wood-blocks or electrotypes furnished must correspond *exactly* with the representations, must afford *perfectly distinct* impressions of the Marks, and must be upon a scale sufficiently large to reproduce the Marks faithfully. Worn or mutilated blocks or electrotypes cannot be accepted.

25. The largest space available for the insertion of any single block or electrotype is eight and a-half inches broad by ten inches deep.

When a block or electrotype *exceeds two inches in depth*, a charge for additional space is made, at the rate of two shillings for every inch or part of an inch beyond the two inches.

26. The number given by the Comptroller should *not* be cut on the face of the block or electrotype, but should be *marked upon the side* in such a manner as to secure its identification.

27. All blocks or electrotypes should be sent to the Patent Office, Trade Marks Branch, together with the papers marked "Form 2," and with the representation of the Mark sent for the guidance of the applicant in preparing the blocks or electrotypes.

28. The blocks or electrotypes supplied for the advertisement of Trade Marks cannot in any case be returned to applicants.

Restrictions on Registration.

29. Ornamental or coloured groundwork, such as tartans or checks, cannot be claimed as part of a Mark unless such groundwork be included within the Mark by some border or lines.

30. The Royal Arms, or arms so nearly resembling them as to be calculated to deceive, and the words "Registered," "Registered Design," "Copyright," "Entered at Stationers' Hall," "To counterfeit this is Forgery," "Patent," "Patented," will not be registered under the Patents, Designs and Trade Marks Act, 1883, and should not, therefore, appear upon the Representations of Trade Marks forming part of an application.

31. The following will not be registered as Trade Marks, or as prominent parts of Trade Marks, unless the Marks have been used before 13th August, 1875:—

Representations of Her Majesty the Queen, or of any member of the Royal family.

Representations of the Royal Crown.

National Arms or Flags.

Prize or Exhibition Medals.

32. When there appears on the face of a Trade Mark an indication of the goods to which the Mark is applied, the claim for its registration must be in respect of those goods only.

Forms of Counter-statement and Bond.

33. The following is a form of Counter-statement:—

Patents, Designs and Trade Marks Act, 1883.

Trade Marks.

In the Matter of an application No.

and of the opposition thereto No.

In reply to the Notice of Opposition in this matter by
of , I give notice by way of Counter-statement that
I rely for my application on the following grounds:—

(To be dated and signed by the applicant or his solicitor.)

To the Comptroller,

Patent Office,

Trade Marks Branch,

25, Southampton Buildings,

London.

The following is a Form of Bond which the Comptroller is able to accept from persons opposing applications, and who have been required to give security for costs :—

Patents, Designs and Trade Marks Act, 1883.

Trade Marks.

In the Matter of an application No.

and of the opposition thereto No. .

Know all men by these presents that we of
and of are jointly and severally held and
firmly bound to Henry Reader Lack, the Comptroller-General
of Patents, Designs and Trade Marks, in the penal sum of
pounds of good and lawful money of Great Britain, to be paid
to the said Henry Reader Lack, or to other the Comptroller-
General of Patents, Designs and Trade Marks for the time
being, for which payment to be well and faithfully made we
bind ourselves and each of us our and each of our heirs
executors and administrators firmly by these presents sealed
with our seals.

Dated this day of 18 .

Whereas pursuant to the provisions of the Patents, Designs
and Trade Marks Act, 1883, and of the Trade Marks Rules, 1883,
an application (No.) has been made by
of to the Comptroller-General of Patents, Designs
and Trade Marks, for the registration of a certain Trade Mark,
And whereas the above-bounden
have delivered a notice of opposition to such registration and
the said have sent to the said Comptroller-General
a counter-statement of the grounds on which they rely for
their application. And whereas the said Comptroller-General
pursuant to the terms of the said Act hath required the said
to enter into the
above-written obligation (subject to the condition hereinafter
contained) as security for such costs as may be awarded in
respect of such opposition.

Now the condition of the above-written obligation is such
that if the said or either of them, their or either of
their heirs executors or administrators do and shall well and
truly pay or cause to be paid to all such costs as the
High Court of Justice shall think fit to award to the said

Manchester Office.

38. For the convenience of merchants and manufacturers engaged in the Cotton Trade, and for the purpose of facilitating the recording of Trade Marks used in respect of Cotton Goods, an office will be opened at 48, Royal Exchange, Manchester, where searches can be made on payment of 1s. for each quarter of an hour for all Marks in classes of textiles from Class 23 to Class 35.

Certificates.

39. The Comptroller's Certificate in relation to a Trade Mark is of four kinds, viz.—

- (i.) For use in legal proceedings.
- (ii.) For use in applying for registration in foreign countries.
- (iii.) Of any application made and of proceedings thereon.
- (iv.) A certificate of refusal of a mark in use before 13th August, 1875, and not registerable.

40. A person desirous of obtaining any of the above certificates should forward Form "R," Form "S," Form "T," or Form "L" (*see* paragraph 3), as the case may be, to the Comptroller, giving the Comptroller's official number of the mark, and stating whether the certificate is required for use in legal proceedings, or for use in applying for the registration of the mark in a foreign country, or for what other purpose.

The form should be accompanied by two unmounted copies of each mark for which a Certificate is required.

41. In every case where a Certificate is required in respect of a Cotton Mark, or in respect of any Trade Mark of which the representations or specimens forming part of the application for registration are *coloured*, two unmounted copies of the mark must be supplied, agreeing in every respect with the representations forming part of the application for registration. Special attention should be paid to this requirement, as the Certificate cannot in any such case be prepared until these unmounted copies are received by the Comptroller.

*Registration of subsequent Proprietors of Registered
Trade Marks.*

42. The Request and Declaration to be made by a subsequent Proprietor on application for the registration in his name of a registered Trade Mark must be made on Form "K" (see paragraph 3).

H. READER LACK,

Comptroller.

Patent Office, Trade Marks Branch,
London, *January*, 1884.

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F O R M S

UNDER THE

PATENTS, DESIGNS AND TRADE MARKS ACT, 1883.

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A. --Form of Application for Patent.

- A1.- " " " communicated from abroad.
- B.- " Provisional specification.
- C.- " Complete specification.
- D.- " Opposition to grant of Patent.
- E.- " Application for hearing by Comptroller.
- F.- " " to amend specification or drawings.
- G.- " Opposition to amendment of specification or drawings.
- H.- " Application for compulsory grant of Licence.
- H1.- " Petition for compulsory grant of Licences.
- I.- " Opposition to compulsory grant of Licence.
- J.- " Application for certificate of payment or renewal.
- K.- " Application for enlargement of time for payment of renewal fee.
- L.- " Request to enter name upon the Register of Patents.
- M.- " Request to enter notification of Licence in Register.
- N.- " Application for duplicate of Letters Patent.
- O.- " Notice of intended exhibition of unpatented invention.
- P.- " Request for correction of clerical error.
- Q.- " Certificate of comptroller.
- R.- " Notice for alteration of an address in Register.
- S.- " Application for entry of Order of Privy Council in Register.
- T.- " Appeal to law officer.

FORMS UNDER THE PATENTS, DESIGNS AND TRADE MARK ACTS—continued.

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 - G.— „ Certificate of Registration.
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 - I.— „ Request for Certificate for use in legal proceedings.
 - J.— „ Certificate for use in legal proceedings.
 - K.— „ Request to enter name of subsequent proprietor.
 - L.— „ Notice of intending exhibition of unregistered design.
 - M.— „ Request for correction of clerical error or for entry of new address.
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FORMS FOR REGISTRATION OF TRADE MARKS.

- F.—Form of Application for Registration.
- G.— „ Additional representation of Trade Mark.
- H.— „ Appeal to Board of Trade.
- I.— „ Transmission of Registration fee.
- J.— „ Notice of opposition.
- K.— „ Assignment of Trade Mark.
- L.— „ Request for Certificate of refusal.
- M.— „ Notice of application for alteration of address.
- N.— „ Notice of application for rectification of Register.
- O.— „ Application to cancel entry on Register.
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- Q.— „ Request to Comptroller for correction of clerical error.
- R.— „ Request for Certificate of Registration for use in obtaining Registration abroad.
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- V.— „ Copy of notification of Registration.
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